



## City of Lake Elmo

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Lake Elmo, Minnesota 55042

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### NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
Wednesday, October 10, 2007, at 7:00 p.m.

### AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. August 27, 2007
4. Public Hearings:
  - a. ORDINANCE: Zoning changes. Changes to the official zoning map to reflect current land use and to correct the map in accordance with past zoning decisions.
    - i. Properties proposed to be rezoned to Public Facilities (PF) include PIDs 02-029-21-21-0003 (Rockpoint Church);
    - ii. and 09-029-21-44-0001 and 09-029-21-44-0003 (City owned park land).
    - iii. The property at 11530 Hudson Boulevard is proposed to be rezoned to HD-A-BP in accordance with a rezoning action in 2002.
5. Business Items:
  - a. Interim Use Ordinance
6. Informational Items:
  - a. City Council Updates
    - i. October 2 – HAI Ritage 'Hous therapeutic massage CUP - approved
    - ii. October 2 – Carmelite Monastery Master Plan Amendment – approved
    - iii. October 2 – E&E Properties CUP Amendment and Variances – denied
7. Adjourn

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of August 27, 2007**

Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Ptacek, McGinnis, Van Zandt, Lyzenga, Pelletier, Roth, Fliflet, Helwig, and Deziel (7:16). STAFF PRESENT: Senior Planner Gozola and Planner Matzek.

**Pledge of Allegiance**

**Agenda**

M/S/P, Helwig/Van Zandt to accept the agenda as presented. Vote: 8:0.

**Minutes**

M/S/P, Helwig/Lyzenga approve the minutes of July 23, 2007 as presented. Commissioners Roth, Fliflet, and Ptacek abstained.

**PUBLIC HEARING: Zoning Code Text Amendment; Pool Barriers**

Senior Planner Gozola stated that fences are a typical requirement, but are not required by the State. Cities individually set safety standards. He said the current code requires a fence with specific requirements. He stated it is common in other similar sized communities to require fences, a few communities that leave it up to the citizens, and still other cities offer ASTM Certified Pool Covers as an option. They also may include alarms or pumps. Senior Planner Gozola said if pool covers are approved as an option, he would recommend requiring ASTM approved material with an automatic cover and a pump to remove water accumulated on top of the cover. He said there is not an easy answer as neither a fence nor a pool cover is fool proof.

Commissioner Deziel asked Senior Planner Gozola if he found verification that no one had died with a pool cover as provided in earlier literature.

Senior Planner Gozola said that he had not found statistics one way or the other.

**THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:17 P.M.**

*Mark Wallace, 5791 Highlands Trl*

Mr. Wallace said that he has an existing pool with a cover. He was originally told by the insurance company that the pool cover was not acceptable, but after looking into it, said they would accept it. Mr. Wallace stated that many other cities allow covers so other insurance companies allow it as well.

*Jean Fleming, 8047 22<sup>nd</sup> Ct. N*

Ms. Fleming said that while she does not own a pool, there are unsafe pools in her neighborhood. She stated that children's safety is the most important aspect. She researched many agencies and found that sixty-nine percent of children who drowned were not expected to be in the water at that time. She said that the second leading cause

of children's death is pool drownings. Ms. Fleming said the American Academy of Pediatrics states that a fence should be installed around a pool. She said she spoke with zoning people at the Minnesota State Fair who said they would not recommend allowing pool covers.

*John Ames, 9799 51<sup>st</sup> Street*

Mr. Ames said he is considering building a pool. He said he thinks it is appropriate that codes change as technology changes. He said that people need to pay attention around pools. Children can be inside a fence and a parent can go inside the house and leave a child exposed to the water. He stated that a pool cover is a complete barrier while a fence is not. An ordinance can not mandate responsible parents.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:27 P.M.

Commissioner Fliflet said neither fences nor pool covers are perfect barriers, both have drawbacks. She suggested changing the ordinance to require the fence to be separate from the house. She stated that pool covers did not exist when the current ordinance was drafted. She said she favored pool covers if she had to choose, but suggested considering requiring both a pool cover and a fence for safety. She would support an either/or ordinance.

Commissioner Van Zandt said the ordinance should be written to protect the neighbors and non-family members.

Commissioner Helwig suggested looking at requiring a pool to be entirely fenced off from the house. He said he would like to see both a cover and a fence required, but that it might be a burden to the homeowner. He suggested that a fence be a priority with the option of a pool cover.

M/S/F, Fliflet/Deziel, motion to be a forefront in safety and require both fencing and a pool cover for in-ground pools. Vote: 4:5.

M/S/F, Roth/Deziel, motion to accept the ordinance as presented by staff with an either/or option with two text changes: to include all in-ground pools and to eliminate the term "gate" and use "point of entry" to reference all points of entry which shall be self-closing. Vote: 3:6.

M/S/F, Fliflet/Van Zandt, motion to support the ordinance as presented by staff with an either/or option, but adding a requirement that all points of entry shall be equipped with gates. If a fence is chosen as the barrier and the pool is not fenced off entirely from house, then the pool will also be required to have a pool cover. Vote: 3:6.

M/S/P, Ptacek/Deziel, motion that the code be amended from the existing language to include "in ground pools," to require fences around four sides of a pool, and that any entrance point shall be provided with a self-closing latch. This would include no option for pool covers to replace fences. Vote: 5:4.

Dissenting votes:

Commissioner Helwig stated he would like to recognize the pool cover as an option that is available to the owner.

Commissioner Fliflet said she fully supports the either/or option for pool covers.

Commissioner Fliflet left the meeting.

**PUBLIC HEARING: Mencke Variances, 8838 Lake Jane Trail**

Senior Planner Gozola said two variances were being applied for: a 29 foot variance from the required 100 foot lakeshore setback and a 0.1 foot variance from the required 10 foot side yard setback. The applicant is seeking to build a second story to part of his non-conforming home and will not be changing the footprint. He went through the three variance criteria in code and his recommendation of approval.

*Paul Mencke, applicant*

Mr. Mencke said the lake level is maintained by a weir. He said when he was planning the project, he was not aware he would need a variance.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:16 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:16 P.M.

M/S/P, Helwig/Roth to recommend approval of variances. Vote: 8:0

**Zoning Code Text Amendment – LCD Billboard Signs**

Senior Planner Gozola said a moratorium was placed on LCD billboard signs as concern was expressed about the conversion of existing signs to LCD signs. After further review of the existing sign code, it may not be allowed with the existing language. Two of the three existing signs may not be large enough in size to be converted anyway. He said that this was intended to be an information item with no recommendation needed.

Commissioner Helwig said the three legal non-conforming billboards are located on I-94 near the drive in theater, on the South side of Highway 5 across from Schiltgen's farm, and on Highway 36 for Sunnyside Farms.

**Council Updates**

Senior Planner Gozola said site disposal options for the contaminated water from the Hagberg site was discussed at the August 21<sup>st</sup> City Council meeting. The PCA will present to the Planning Commission at a future meeting. He said that the City Council approved the Sexually Oriented Businesses Ordinance at that meeting. He said that the Council is also moving forward with the new website.

Commission Lyzenga was concerned about a link between the official city website and an unofficial website with a similar name.

M/S/P, Lyzenga/Ptacek to terminate any links between the two websites. Vote 8:0.

Adjourned at 8:29 p.m.

Respectfully submitted,

Kelli Matzek  
Planner

DRAFT

**ITEM: Hold public hearings to rezone four parcels in accordance with past land use decisions**

REQUESTED BY: City Staff

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Susan Hoyt, City Administrator  
Kelli Matzek, Assistant City Planner

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**SUMMARY AND ACTION REQUESTED:**

The planning commission is asked to consider an ordinance to rezone four parcels in accordance with past land use decisions. The four parcels are:

1. The Rockpoint Church parcel (exhibit A). Approval of the Hidden Meadows development included a significant area of open space, a residential subdivision, and a parcel to house the new church now located near Keats Avenue and Hwy 36. Rezoning of the church parcel from Rural Residential (RR) to Public Facilities (PF) was done by resolution during the development rather than by ordinance (as is required). The property is already depicted as "Public Facility" in the comprehensive plan.
2. City Owned Park Land (2 parcels shown on exhibit B). Two (2) city owned parcels on Jamaica Ave N. and 42<sup>nd</sup> Street (referred to as Lake Jane Hills Park) are currently zoned One Family Residential (R1), but are guided as Public Facility in the comprehensive plan. Rezoning these parcels to Public Facilities (PF) at this time will eliminate this inconsistency.
3. E&E Properties Parcel (exhibit C). The recent application from E&E properties to expand the Laidlaw bus operation on this site revealed a past zoning change to Agricultural in 2002 that was never identified on the City's zoning map. This rezoning will transition this property into the proper holding district until it is guided for further development in 2020.

The changes can be summarized as follows:

<b><i>Parcel</i></b>	<b><i>Current Zoning</i></b>	<b><i>Proposed Zoning</i></b>
Rockpoint Church	Rural Residential (RR)	Public Facilities (PF)
City Owned Land	One Family Residential (R1)	Public Facilities (PF)
E&E Properties	Agricultural (A)	Agricultural Business Park Holding District (HD-A-BP)

All of the proposed changes will be consistent with the current comprehensive plan.

RECOMMENDATION:

Consider the provided information and recommend approval of the proposed rezoning actions.

ORDER OF BUSINESS:

- Introduction..... Ben Gozola, Senior Planner
- Report by staff ..... Ben Gozola, Senior Planner
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing for the Rockpoint Church rezoning .....Chair
- Close the Public Hearing .....Chair
- Open the Public Hearing for the Lake Jane Hills Park rezoning .....Chair
- Close the Public Hearing .....Chair
- Open the Public Hearing for the E&E Properties rezoning .....Chair
- Close the Public Hearing .....Chair
- Call for a motion(s) ..... Chair Facilitates
- Discussion of Commission on the motion(s) ..... Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS (4):

1. Ordinance to be forwarded on to the City Council for consideration
2. Exhibit A: Rockpoint Church Location Map
3. Exhibit B: Lake Jane Hills Park Parcel Map
4. Exhibit C: E&E Properties Location Map

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 97-\_\_\_

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE  
BY AMENDING THE OFFICIAL ZONING MAP  
OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 300-07, subd 3. Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 97-\_\_\_, as follows:

**Zoning Map Amendments**

The following property are hereby rezoned from Rural Residential (RR) to the Public Facilities Zoning District (PF) as shown in exhibit A:

PIDs:

02-029-21-21-0003

The following properties are hereby rezoned from One Family Residential (R1) to the Public Facilities Zoning District (PF) as shown in exhibit B:

PIDs:

09-029-21-44-0001

09-029-21-44-0003

The following property are hereby rezoned from Agricultural (A) to the Agricultural Business Park Holding District (HD-A-BP) as shown in exhibit C:

PIDs:

36-029-21-43-0001

The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.



**Effective Date**

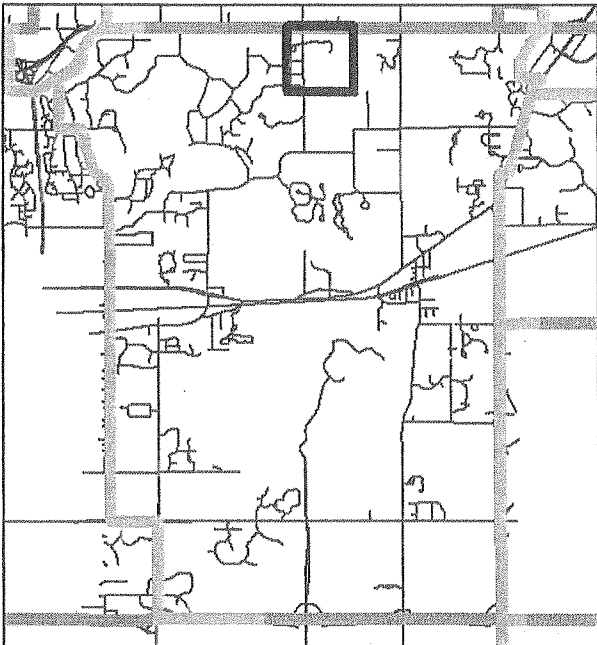
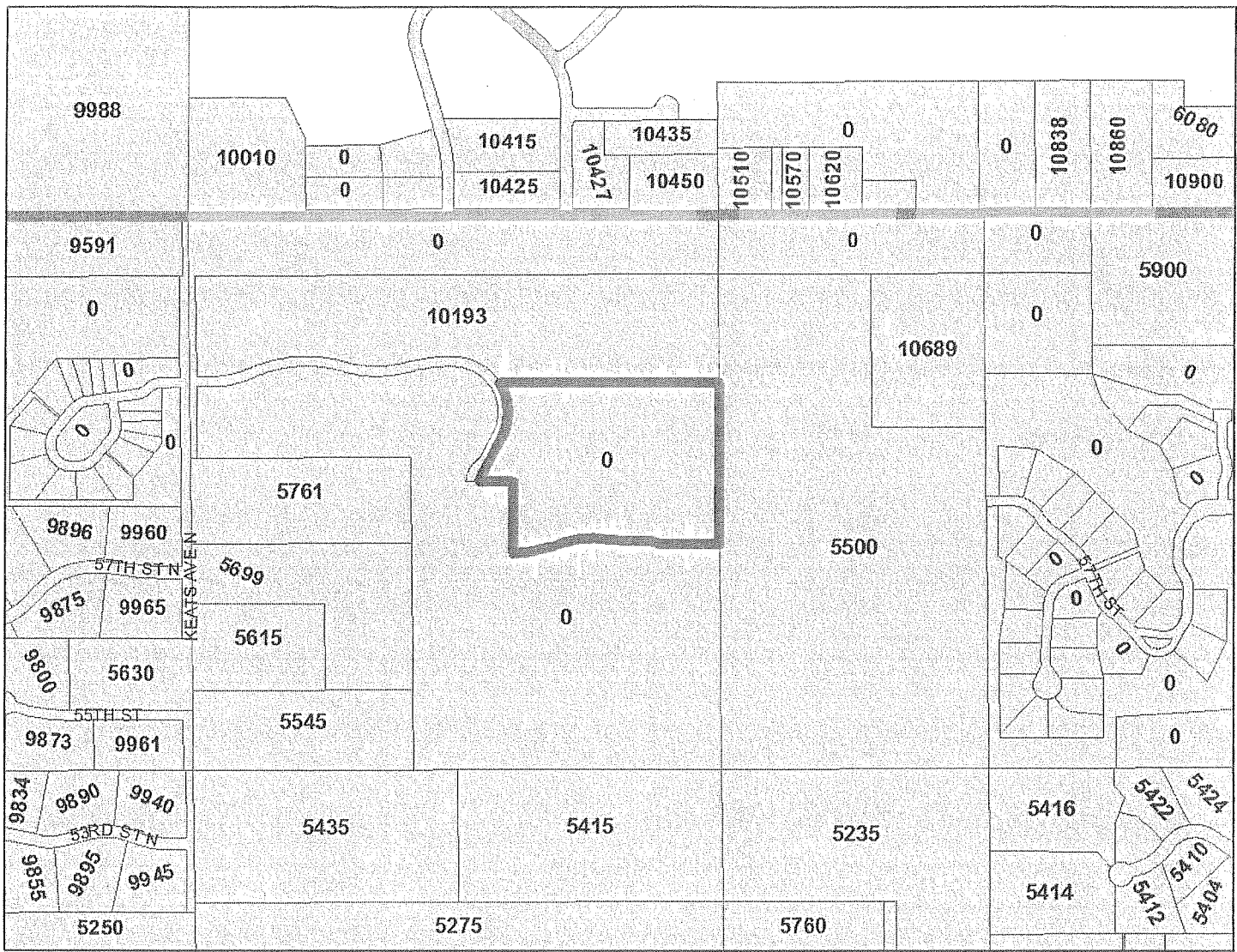
This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 97-\_\_ was adopted on this \_\_ day of \_\_\_\_\_, \_\_, 20\_\_, by a vote of \_\_ Ayes and \_\_ Nays.

\_\_\_\_\_  
Mayor Dean Johnston

ATTEST:

\_\_\_\_\_  
Susan Hoyt  
Administrator

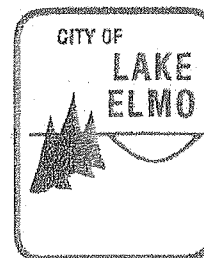


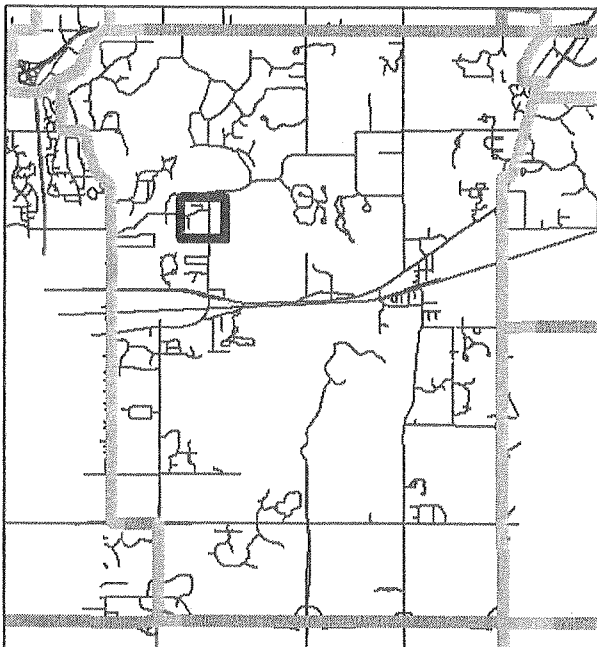
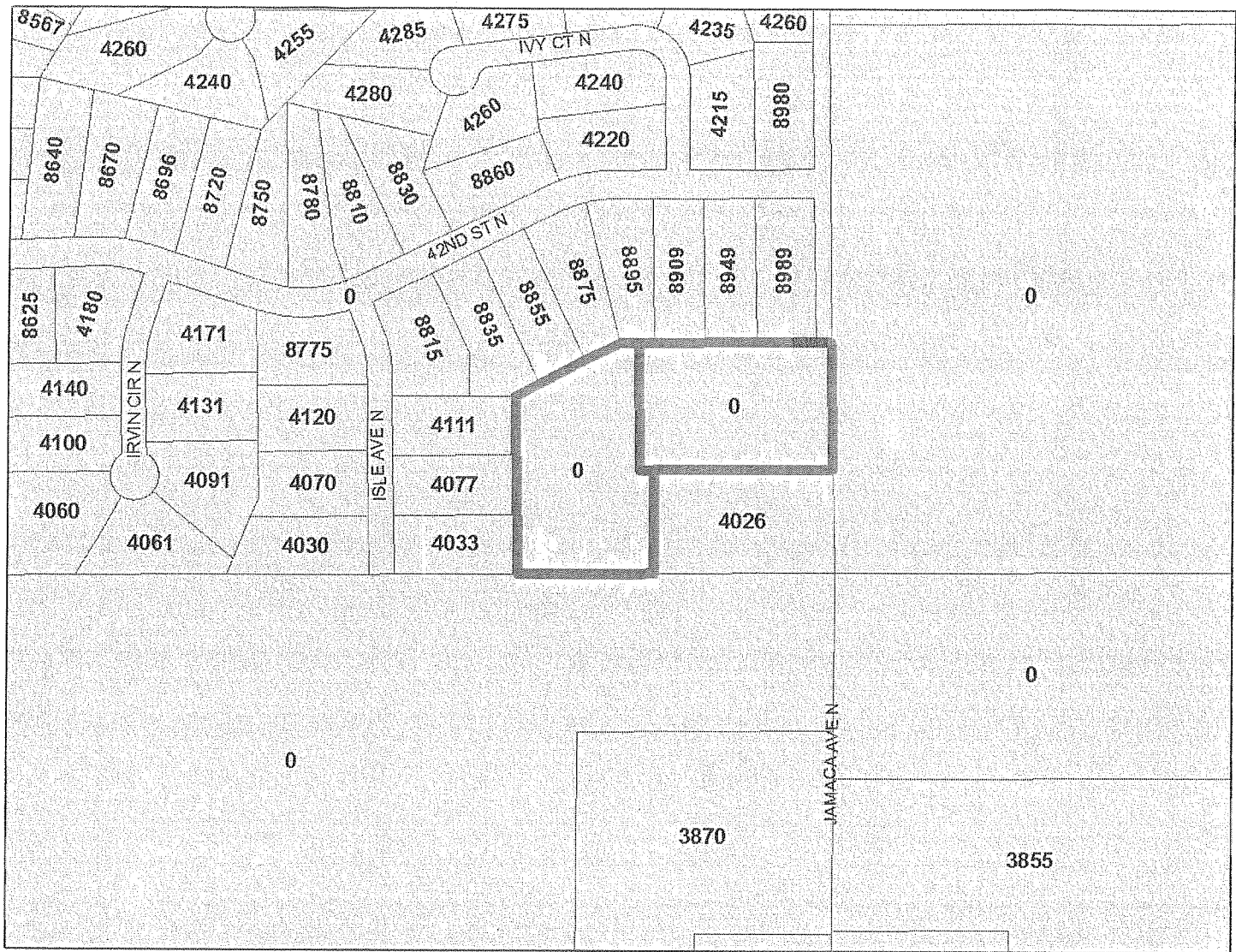
Location within the City of Lake Elmo

**Rockpoint Church  
(PID 02-029-21-21-0003)**

**Rezoning from Rural Residential  
(RR) to Public Facilities (PF)**

**Exhibit A**

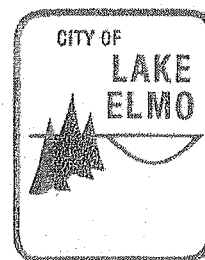




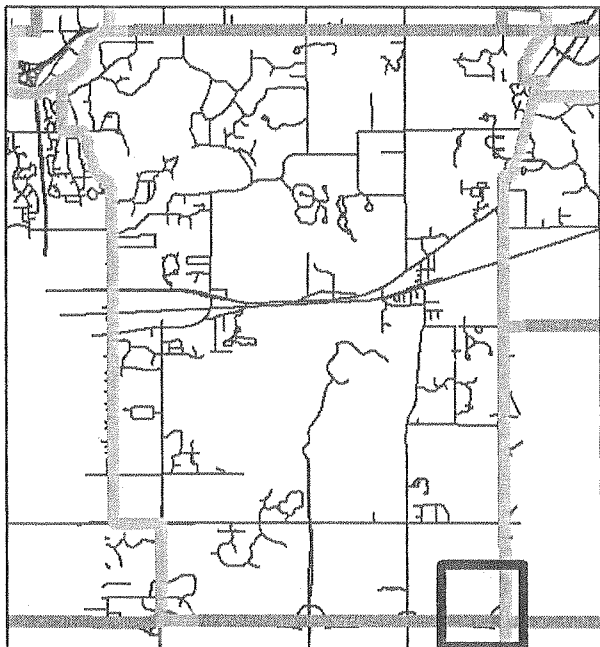
*Location within the City of Lake Elmo*

**City of Lake Elmo Park Land  
(PIDs 09-029-21-44-0001 &  
09-029-21-44-0003)**

**Rezoning from One Family  
Residential (R1) to  
Public Facilities (PF)**



**Exhibit  
B**

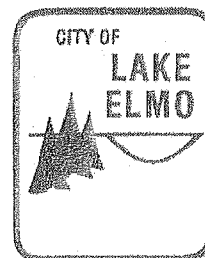


*Location within the City of Lake Elmo*

**Emerson Property  
(PID 36-029-21-43-0001)**

**Rezoning from Agricultural (A)  
to the Agricultural Business  
Park Holding District (HD-A-BP)**

Exhibit C



Planning Commission  
Date: 10/10/07  
Not a public hearing  
Item: \_\_\_\_\_

ITEM: **Consider information regarding interim uses and provide direction to staff for preparation of an interim use ordinance**

REQUESTED BY: City Council & Planning Commission

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Susan Hoyt, City Administrator  
Kelli Matzek, Assistant City Planner

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#### SUMMARY AND ACTION REQUESTED:

The planning commission is being asked to guide staff in preparing an interim use ordinance that would allow the City to grant interim use permits (IUPs). An IUP is an important zoning tool because, unlike conditional use permits (CUPs), an IUP can be eliminated once a specific trigger occurs. Typically IUP's will terminate on a specific date, at the occurrence of a specific event, or until zoning regulations would no longer permit such a use. In contrast, a CUP cannot be terminated provided the conditions of approval continue to be met.

The two main questions that must be addressed when crafting this type of ordinance are:

1. How should the ordinance administer these types of applications? and
2. What types of uses in the various zoning districts should qualify as interim uses?

#### BACKGROUND INFORMATION:

State statute has permitted cities to issue interim use permits since 1989, but many cities (including Lake Elmo) do not have language in their codes to allow granting of IUPs. Attached are examples of codes which establish the framework for IUP's in various communities. Things to note about each of these ordinances include:

1. The "Purpose and Intent" sections. Most codes provide a purpose and intent section to alert the reader to why this provision is used. Currently Lake Elmo code does not include "purpose and intent" language for variances and CUPs (presumably because the intent is assumed to be implied in the regulation). Typical purpose and intent statements include the following:
  - a. To allow uses for a brief period of time until a permanent location for the use is identified or until the permanent location is constructed;
  - b. To allow a use that is presently acceptable, but would become unacceptable given future planned development;
  - c. To allow a use that is reflective of anticipated long range change outlined in the comprehensive plan.
2. Statutory Requirements. Under state statute, all IUP's must...
  - a. ...conform to the zoning regulations;
  - b. ...identify with certainty the date or event that will terminate the use;

- c. ...ensure permission of 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. ...include conditions deemed appropriate by the governing body which are accepted by the applicant.
3. IUP Standards. Some codes establish special criteria for reviewing IUPs, while many simply refer to the review criteria already established for conditionally permitted uses.
  4. Termination. All IUP codes include language to govern the anticipated termination of such uses. Typically this language requires termination upon the following:
    - a. The date stated in the permit;
    - b. Upon violation of the conditions of approval;
    - c. Upon a change to the City's zoning regulations rendering the use nonconforming;
    - d. The redevelopment of the use to a permitted or conditionally permitted status.

Some codes also include language outlining a special process for revocation of IUP permits.

5. Consent Agreement. Construction of most interim uses will require an investment in a property, and therefore it can be difficult for the city to show compliance to the statutory requirement that such uses not impose additional costs to the public if the land must be acquired by the city. To address this problem, it is important to have all applicants sign a consent agreement acknowledging the request as a temporary use. An example consent agreement from Bloomington is attached for your reference.
6. Specific Interim Uses. You'll note that each of the provided ordinances does not list what the interim uses are within the respective cities. Specific interim uses are typically listed in the individual zoning district chapters following the permitted and conditionally permitted uses. As part of this process, the planning commission should recommend types of uses that would make sense to be classified as interim (i.e.

**RECOMMENDATION:**

The planning commission is asked to consider the provided information, and to provide staff with your thoughts and concerns. Staff will utilize this feedback to craft an ordinance for planning commission consideration on October 22<sup>nd</sup>. The limited time available staff prevented us from preparing a draft ordinance for the packet, but we will strive to have a sample ordinance ready for discussion at the meeting.

**ORDER OF BUSINESS:**

- Introduction ..... Ben Gozola, Senior Planner
- Report by staff ..... Ben Gozola, Senior Planner
- Questions from the Commission ..... Chair & Commission Members
- Feedback/Direction to staff..... Chair & Commission Members

**ATTACHMENTS (10):**

1. MN Statute 462.3597 which authorizes interim uses
2. City of Bloomington Interim Use provisions;
3. City of Plymouth Interim Use provisions;

4. City of Maple Lake Interim Use provisions;
5. City of Northfield Interim Use provisions;
6. City of Sunfish Lake Interim Use provisions;
7. City of Medina Interim Use provisions;
8. City of Elk River Interim Use provisions;
9. City of Tonka Bay Interim Use provisions;
10. Example of a "consent agreement" to require with all IUP applications



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### 462.3597, Minnesota Statutes 2006

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#### 462.3597 INTERIM USES.

Subdivision 1. **Definition.** An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Subd. 2. **Authority.** Zoning regulations may permit the governing body to allow interim uses. The regulations may set conditions on interim uses. The governing body may grant permission for an interim use of property if:

- (1) the use conforms to the zoning regulations;
- (2) the date or event that will terminate the use can be identified with certainty;
- (3) permission of 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
- (4) the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

Subd. 3. **Public hearings.** Public hearings on the granting of interim use permits shall be held in the manner provided in section [462.357, subdivision 3](#).

**History:** 1989 c 200 s 2

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**Section 19.23.03. INTERIM USES.**

- (a) **Purpose.** Interim use permits establish a framework for the regulation of temporary land uses.
- (b) **Permit Required.** No use designated as an “Interim Use” in any zoning district shall be established unless and until an Interim Use Permit has been granted by the City Council.
- (c) **Application, Hearings.**
  - (1) Application shall be made by the fee owner or authorized representative of the fee owner of the property upon which the interim use is proposed. The Planning Commission or City Council may also initiate an application for an Interim Use Permit.
  - (2) Applications shall include:
    - (A) A completed application form signed by the fee owner of the property or by the fee owner’s authorized representative;
    - (B) All necessary information to fully describe the nature of the request and use, its operation and intensity, location on the site, affect on abutting and adjacent properties and site improvements necessary to conduct the use;
    - (C) A letter from the applicant stating the date or event that will terminate the use;
    - (D) A signed consent agreement, provided by the Issuing Authority, agreeing:
      - (i) that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the Interim Use Permit;
      - (ii) that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
      - (iii) that the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the Interim Use Permit.
    - (E) Any other information that may be required by the Issuing Authority to evaluate the application.
  - (3) Applications shall be submitted to the Division of City Planning for review of completeness in accordance with the standard procedures and policies for development review adopted by the City of Bloomington.

(4) Upon acceptance of the application as complete, the application shall be scheduled for a public hearing before the Planning Commission. The Public Hearing shall be advertised and notices mailed to adjacent property owner within 500 feet of the subject property in accordance with the requirements of Section 19.16 of this Code. After considering the application, the staff report, testimony from the applicant and the public and any other relevant information, the Planning Commission shall recommend approval, approval with conditions or denial. The recommendation of the Planning Commission shall be forwarded to the City Council as soon as practical.

(5) After considering the application, recommendation of the Planning Commission, any staff reports, testimony from the public hearing and any other relevant information, the City Council shall take action on the application through approval, approval with conditions, or denial. Should the City Council approve the application, the City Council shall specify the term of the Interim Use Permit, the event(s), circumstances or conditions that shall cause termination, and any conditions of approval.

(d) **Findings.** An Interim Use Permit may be granted only if the City Council finds as follows:

- (1) The use will not delay permanent development of the site.
- (2) The use will not adversely impact implementation of the Comprehensive Plan.
- (3) The use will not be in conflict with any provisions of the City Code.
- (4) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
- (5) The date or event that will terminate the use has been identified with certainty.
- (6) The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the Interim Use Permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.

(e) **Conditions of Approval.** The City Council may attach conditions of approval to an Interim Use Permit in order to minimize the adverse impacts of an interim use, in order to identify a date or event that will terminate the Interim Use Permit, and to address any special needs.

- (1) The applicant shall raise objections, if any, to proposed conditions of approval at the public hearing(s).

(2) An approved performance bond or letter of credit may be required as a condition of approval to ensure the restoration of the site and surrounding area after termination of the use.

(f) **Expiration and Termination.**

(1) An Interim Use Permit shall expire and the interim use shall terminate at the earlier of:

(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;

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

(C) Upon an amendment of the City Code that no longer allows the interim use.

(g) **Suspension and Revocation.**

(1) The City Council may suspend or revoke an Interim Use Permit upon the failure of the interim use, or the interim use's permittee, owner, operator, tenant or user, to comply with the provisions of this Code, the laws of the State of Minnesota, the approved plans, or the conditions of approval, or by finding that the activities allowed under the permit adversely affect the public health, safety, or welfare.

(2) A suspension or revocation of an Interim Use Permit shall be preceded by written notice to the permittee and a hearing. The notice shall provide at least ten (10) days notice of the time and place of the hearing and shall state the nature of the violations. The notice shall be mailed to the permittee at the most recent address listed on the application. The hearing of a contested case may be before the City Council or in accordance with Minnesota Statutes, Section 14.57 to 14.60, but informal disposition of a contested case by stipulation, pursuant to Minnesota Statutes, Section 14.59, may provide an adequate basis for imposition of sanctions.

(h) **Standards.**

(1) The term of an Interim Use Permit shall not exceed three (3) years.

(2) Because of its temporary nature, an interim use permit shall not be renewed. Continuation of an interim use beyond the date of expiration of its Interim Use Permit requires approval of a new Interim Use Permit.

SECTION 21020 - INTERIM USES

**21020.01. PURPOSE AND INTENT:** The purpose and intent of allowing interim uses is:

**Subd. 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.

**Subd. 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 respective district.

**Subd. 3.** To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

**21020.02. PROCEDURES:**

**Subd. 1.** Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a conditional use permit as established by Section 21015 of this Chapter.

**Subd. 2.** Effect of Permit. An "interim use permit" for seasonal farmer's market and produce sales may be issued for a period of up to eight months per calendar year after which the permit may be reissued for up to eight month periods per calendar year by the Zoning Administrator. The interim use permit may be reissued if the farmer's market or produce sale is consistent with the original interim use permit approval, and is in compliance with Section 21460.09, Subd. 2 of this Chapter.

*(Amended by Ord. No. 2005-01, 01/11/05)*

**21020.03. GENERAL STANDARDS:** An interim use shall comply with the following:

**Subd. 1.** Meet the standards of a conditional use permit set forth in Section 21015.02, Subd. 5 of this Chapter.

**Subd. 2.** Conform to the applicable general performance standards of Section 21015.04 of this Chapter.

**Subd. 3.** The use is allowed as an interim use in the respective zoning district.

**Subd. 4.** The date or event that will terminate the use can be identified with certainty.

**Subd. 5.** The use will not impose additional unreasonable costs on the public.

**Subd. 6.** The user agrees to any conditions that the City Council deems appropriate for permission of the use.

**21020.04. TERMINATION:** An interim use shall terminate on the happening of any of the following events, whichever occurs first:

**Subd. 1.** The date stated in the permit.

**Subd. 2.** Upon violation of conditions under which the permit was issued.

**Subd. 3.** Upon change in the City's zoning regulations which renders the use non-conforming.

**Subd. 4.** The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

**21020.05. CERTIFICATION OF TAXES PAID:** Prior to approving an application for an interim use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the interim use permit application relates.

Maple Lake

## Section 11: Interim Use Permits

### SECTION 11:

- 11.01 Purpose and Intent
- 11.02 General Standards
- 11.03 Procedure
- 11.04 Application, Public Hearing, Notice, and Procedure
- 11.05 Termination

**11.01 Purpose and Intent.** The purpose and intent of allowing interim uses is:

- A. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
- B. 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 respective district.
- 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 provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

**11.02 General Standards.** An interim use shall comply with the following:

- A. The use is allowed as an interim use in the respective zoning district and conforms to zoning regulations.
- B. The date or event that will terminate the use can be identified with certainty.
- C. The use will not impose additional unreasonable costs on the public if it is necessary for the public to take the property in the future.
- D. The user agrees to any conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

**11.03 Procedure.**

- Subd. 1.** New Uses: Uses defined as interim uses shall be processed according to the standards and procedures for a Conditional Use Permit as established by Section 10 of this Ordinance.

## Section 11: Interim Use Permits

**11.04 Application, Public Hearing, Notice, and Procedure.** The application, public hearing, public notice, and procedure requirements for Interim Use Permit shall be the same as those for a Conditional Use Permit (Section 10) as provided in this Ordinance.

**11.05 Termination.** An interim use shall terminate on the happening of any of the following events, whichever occurs first:

- A. The date or event stated in the permit.
- B. Upon violation of conditions under which the permit was issued.
- C. Upon change in the City's zoning regulations which renders the use nonconforming.

**Sec. 34-811. Interim use permits.**

(a) *Grant; duration.* An interim use permit may be granted, as provided in this section and as allowed by M.S.A. § 462.3597, for a temporary use of property until a particular date, until the occurrence of a particular event, or until the city's zoning ordinance regulations no longer permit it.

(b) *Criteria for review of interim use permit applications.* In review of an interim use permit application, the city council shall consider the advice and recommendations of the planning commission. Each application shall be reviewed to determine the effect of the proposed use on the comprehensive plan and upon the health, safety, morals and general welfare of the public including occupants of surrounding lands.

(1) Any application for an interim use permit shall at a minimum meet the following requirements:

- a. The use shall conform to the city's zoning regulations.
- b. The date or event that will terminate the interim use shall be identified with certainty.
- c. Permission of the use shall not impose additional costs on the public if it is necessary for the public to take the property in the future.
- d. The user shall agree to any conditions the city council deems appropriate for permission of the use, including, in the city's discretion, a condition that the user shall be responsible for the cost of removing the interim use and any structures associated with the interim use upon the expiration of the interim use permit, and that the user may be required to provide appropriate financial security to cover such cost.

(2) The application shall be reviewed for its conformance with the conditional use permit criteria established in Section 34-806(a), Subd. 1 of the Northfield Zoning Ordinance, and any other applicable criteria.

(3) Failure to comply with any one of the applicable criteria as determined by the city shall be sufficient cause to deny the interim use permit application. A criterion is considered to be applicable if it is reasonably capable of being applied to the proposed use.

(c) *Additional conditions.* In addition to the criteria expressly specified by this section, the city council may impose additional conditions on the issuance of an interim use permit which the council considers necessary to ensure neighborhood compatibility, to ensure compliance with all applicable federal, state and local regulations, and to protect the public health, safety, morals and general welfare.

(d) *Termination.* An interim use permit shall terminate upon the occurrence of any of the following:



- (1) The date or event specified in the approval of the permit.
- (2) Violation of any of the conditions under which the interim use was issued.
- (3) A change in the city's zoning regulations such that the interim use is no longer permitted.

(e) *Required exhibits.* An accurate property description, a preliminary development plan, and a property survey shall be required as part of the application for an interim use permit unless any such requirement is waived by the zoning administrator.

(f) *Procedure.* The procedure for issuance of an interim use permit shall be as follows:

- (1) The property owner shall meet with the zoning administrator to explain the situation, learn the procedures and obtain an application form.
- (2) The applicant shall file the completed application form together with the required exhibits with the zoning administrator and shall pay a filing fee as established by city council resolution.
- (3) The zoning administrator shall set a date for a public hearing and prepare notices of the time, place and purposed of such hearing for publication in the official newspaper at least ten days prior to the day of the hearing. A similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the permit relates. Failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with these provisions has been made.
- (4) Prior to the public hearing, the zoning administrator shall prepare the appropriate exhibits for distribution to the planning commission and to interested parties.
- (5) The planning commission shall hold the public hearing, study the application to determine possible adverse effects of the proposed interim use and determine what additional requirements may be necessary to reduce such adverse effects, adopt findings based upon the evidence established during the hearing and shall recommend to the city council one of three actions approval, denial, or conditional approval.
- (6) The city council shall adopt findings and shall act on the request for an interim use permit within the time required by state law. If the city council grants the interim use permit, the council may impose conditions it considers necessary to protect the public health, safety and welfare, and such conditions shall include a time limit for the use to exist or operate.
- (7) Where an interim use permit has been issued pursuant to this section, such permit shall become null and void without further action by the planning commission or the city council unless work thereon commences within one year of the date of granting such interim use. An interim use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than 12 consecutive months.

(8) In the event that a permittee violates any one of the conditions set forth in the interim use permit or the requirements of any applicable zoning regulations, the permit may be revoked by the city council, as provided in Section 34-806(g), Subd. 4., Violations and Penalties, for revocation of a conditional use permit.

(g) *Recordkeeping.* The zoning administrator shall maintain a record of all interim use permits issued including information on the use, location, conditions imposed by the city council, time limits, review dates, and other such information as may be appropriate.

(h) *Gravel extraction in all districts.* Subject to the other provisions of this section, gravel extraction operations may be allowed by interim use permit in any district subsequent to annexation but prior to development of the annexed property.

(Ord. No. 765, § 1300:510, 4-23-2002)

## 1205 INTERIM USE PERMIT

- 1205.01 Purpose and Intent
- 1205.02 Procedure
- 1205.03 General Standards
- 1205.04 Termination

### **SECTION 1205.01 PURPOSE AND INTENT:**

The purpose and intent of allowing interim uses is to allow a use or activity that is presently acceptable, but that with anticipated development, redevelopment, or identifiable change may not be acceptable in the future.

### **SECTION 1205.02 PROCEDURE:**

- A. Existing Uses. Uses defined as interim uses which presently exist and which were legally established within a respective zoning district shall be considered approved.
- B. New Uses. Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a conditional use permit as established by Section 1204.

### **SECTION 1205.03 GENERAL STANDARDS:**

An interim use shall comply with the following:

- A. Existing Uses. Shall be in conformance with zoning and building standards in effect at the time of initial construction and development and shall continue to be governed by such regulations in the future.
- B. New Uses.
  - 1. Conforms to all zoning regulations as otherwise applicable.
  - 2. The date or event that will terminate the use can be identified with certainty.
  - 3. The existence of 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
  - 4. The user agrees to any conditions that the City Council deems appropriate for permission of the use.
- C. Existing Uses and New Uses.

1. Shall maintain harmony and compatibility with surrounding uses and with the architectural character and design standards of existing uses and development.
2. Conforms with all performance standards contained in this Ordinance (i.e., parking, noise, etc.).
3. Shall have no detrimental effect upon the property values or the general health, safety, and welfare of the surrounding uses and property owners.
4. Traffic generated by the use does not overburden or exceed the capabilities of streets and other public services and facilities, including parks, schools, streets and utilities serving the area.

**SECTION 1205.04 TERMINATION:**

An interim use shall terminate on the happening of any of the following events, whichever first occurs:

- A. The date or event stated in the permit or ordinance.
- B. Upon violation of conditions under which the permit was issued.
- C. Upon change in the City's zoning regulations which renders the use non-conforming.
- D. The redevelopment of the use and property upon which it is located to permitted or conditional use as allowed within the respective zoning district.

## INTERIM USES

**Section 825.73. Interim Uses- Purpose.** The purpose of this ordinance is to allow the establishment or continuation of interim uses under specific and regulated conditions. Interim uses may be allowed by permit if the following conditions are met:

- (a) the use conforms to the zoning regulations;
- (b) the date or event that will terminate the use can be identified with certainty;
- (c) permission of 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) the user agrees to any conditions that the city council deems appropriate for permission of the use.

**Section 825.75. Application.**

**Subd. 1.** The land owner or user shall submit an application for an interim use permit to the zoning administrator. The application shall be accompanied by the following information and documentation:

- (a) legal description of the property;
- (b) identification of the owner and user, if different;
- (c) survey showing property boundaries; existing improvements, including buildings, parking areas, storage areas, utilities, drainage tiles and wells; topography of the site and area within 100 feet of the property boundaries with contours at 2-foot intervals; significant trees and existing vegetation; easements of record, including the dimensions thereof; and wetlands;
- (d) site plan of proposed improvements showing all buildings, parking areas, storage areas, driveways, access points, berms, easements, and adjacent public or private streets;
- (e) floor plans and building elevations, including list of building materials, showing a sketch or computer-generated image of proposed buildings as viewed from surrounding uses;
- (f) site plan of existing uses on property in non-residential zones adjacent to the site and on property in residential zones within 720 feet of the site, measured at the closest point, showing buildings, entrances and other significant features and illustrating sight lines to the proposed use;
- (g) proposed grading plan with contours at 2-foot intervals;

- (h) soils map;
- (i) tree preservation plan;
- (j) landscaping plan, including species and sizes;
- (k) drainage and storm water plan;
- (l) utility plan;
- (m) sign plan;
- (n) lighting plan;
- (o) table of all proposed uses by type and square footage, including estimated water and sanitary sewer usage;
- (p) statement of the date or event terminating the use; and
- (q) application fee.

**Subd. 2.** Upon receipt of an application for an interim use permit, the zoning administrator shall review the material submitted and determine whether the application is complete. If the application is not complete, the zoning administrator shall notify the applicant in writing and shall specify the additional documentation or information that the applicant will be required to submit before the application will be considered complete. When the application is complete, the zoning administrator shall refer the matter to the planning commission for review and public hearing.

**Section 825.77. Planning Commission Review; Public Hearing.**

**Subd. 1.** The planning commission shall review the proposed interim use permit on the basis of the information and documentation submitted by the applicant and any other information available to it. The planning commission shall hold a public hearing on the proposed interim use. Notice of the time, place and purpose of the hearing shall be published in the city's official newspaper at least ten days prior to the date of the hearing. For land located in the RR, RR-1, RR-2 or RR-UR zoning districts, notice shall also be mailed at least ten days prior to the hearing to each owner of affected property and property situated wholly or partly within 1000 feet of the property to which the interim use relates. For land located in any other zoning district, notice must also be mailed at least 10 days prior to the hearing to each owner of property situated wholly or partly within 350 feet of the property to which the interim use permit relates.

**Subd. 2.** The planning commission shall review the proposed interim use to determine whether it is consistent with the requirements of this ordinance. Following the public hearing, the planning commission shall recommend that the interim use be approved with conditions or denied. The planning commission shall forward its recommendation to the

city council along with a list of suggested conditions if it recommends approval of the permit.

**Section 825.79. City Council Review; Amendment.**

**Subd. 1.** The city council shall consider the recommendation of the planning commission after receipt of its report and may consider any additional information or conduct such additional review, if any, as it determines would serve the public interest. The city council shall approve with conditions or deny the interim use permit. The city council shall condition its approval in any manner it deems reasonably necessary in order to promote public health, safety or welfare and to achieve compliance with this ordinance. The city council may require the applicant to enter into an agreement including such provisions as it deems reasonably required to ensure compliance with this ordinance and the terms and conditions of the city's approval.

**Subd. 2.** An application to amend an approved site plan shall be reviewed under this section in the same manner as an initial application for an interim use permit.

**Section 825.81. Termination.** An interim use shall terminate upon the date or the occurrence of the event established in the permit or upon such other condition specified by the city. Notwithstanding anything herein to the contrary, an interim use may be terminated by a change in zoning regulations applicable to the use or land upon which it is located.

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**Amendment History of this Section**

*February 19, 1985 – Ord. 217-A – Amended 825.07 Subd. 8 regarding the definition of a boathouse. Also amended 825.21, Subd. 6 and 825.21 Subd. 8 regarding setbacks in the Shoreland District.*

*June 16, 1987 – Ord. 224 – Amended Subd. 12 of Subsection 825.07 and Subsection 828.25 regarding residential building height.*

*January 15, 1986 – Ord. 226 – Amended Subsection 825.19 regarding Accessory Buildings.*

*August 4, 1987 – Ord. 235 – Amended Subsection 825.19 regarding Accessory Buildings*

*February 4, 1992 – Ord. 261 – Amended Subd. 29 of Subsection 825.07 regarding accessory structures to an essential service.*

*March 9, 1992 – Ord. 262 – Added Subd. 49.1 to Subsection 825.07 and amended Subd. 29 of Subsection 825.07 regarding Home Occupations.*

*March 9, 1992 – Ord. 263 – Amended Subsection 825.47 regarding the valid time of variances.*

*February 2, 1993 – Ord. 274 – Amended Subd. 1, 2, and 3 of Subsection 825.51 relating to the payment of application fees.*

*June 1, 1993 – Ord. 275 – Amended Shoreland restrictions. Amended Subsection 825.07: subd. 8 (height changed, “exclusive of safety rails” added), 11 (shoreland measurement change), 23.1 (addition), 25 (“hotel, motel...” exclusions added, language change), 31 (shoreland overlay language addition), 49.3 (addition), 49.4 (addition), 73 (redefinition of “ordinary high water mark”), 80.1 (addition), 94.1 (addition), 96.1 (addition), 115 (redefinition of “wetland”). Amended Subsection 825.21: subd. 6 (slight requirement change for shoreland setbacks), 8 (change of structure setback/placement requirements with regard to water). Amended 827.01 (near total rewriting of the shoreland ordinance), Subd. 3 of Subsection 827.29 (“subdivision does not apply to setbacks req’d by 827.01”), and 828.63 (part b added to existing language). Many pedestrian organizational and small grammar edits throughout.*

*April 19, 1994 – Ord. 278 – Amended Subsection 825.31: subd. 1 and 2 (total rewrite of board of adjustments role and powers), 3 (zoning administrator as liaison to board of adj.), 4 (board of adj. procedures added). Amended Subsection 825.33: subd 1,2 and 3 (total rewrite of planning commission description and powers/duties), 4 (zoning administrator as liaison to plg. comm.), 5 and 6 (add procedure for recommendations to council).*

*October 4, 1994 – Ord. 280 – Added Subd. 75.5 to Subsection 825.07 for Planned Unit Developments.*

*February 7, 1995—Ord 283—Replaced previous language of Section 825.15 relating to nonconforming uses with the language from Ord. 283.*

*November 19, 1996—Ord 293—Added and amended definitions in Subsection 825.07 regarding the floodplain district.*

*June 3, 1997 – Ord. 295 – Amended Subsection 825.07 regarding land excavation and reclamation.*

*May 20, 1997 – Ord. 296 – Amended Subsection 825.45 regarding individual sewage treatment systems.*

*March 2, 1999 – Ord 308—Added new Subsection 825.53 relating to principle uses.*

*March 20, 2001 - Ord. 332 – Added Subsections 825.55, 825.57, and 825.59 regarding site plan review.*

*June 19, 2001 - Ord. 344 - Amended Subd. 29 of Subsection 825.07 regarding essential services and wireless service facilities.*

*December 16, 2003 – Ord. 360 – Added Subsections 825.61, 825.63, 825.65, 825.67, 825.69, and 825.71 regarding Concept Plan Review Procedures.*

*February 17, 2004 – Ord. 363 – Added Subd. 49.5 to Subsection 825.07 and Subsections 825.73, 825.75, 825.77, 825.79, and 825.81 regarding Interim Uses.*

*July 20, 2004 – Ord. 371 – Amended Subd. 12 of Subsection 825.07 regarding the definition of building height.*

*August 3, 2004 – Ord. 372 – Amended Subsection 825.69, by adding clause b) regarding the resubmission of Concept Plan Reviews.*



*August 3, 2004 – Ord. 373 – Amended Subd. 1 of Subsection 825.33., changing the number of members on the planning commission from nine to seven.*

*March 1, 2005 – Ord. 383 – Amended Subds. 1 and 4 of Subsection 825.33, setting the beginning of a planning commission member's term at January 1 and also allowing the city administrator the ability to appoint a designated staff liaison to the Commission.*

*March 21, 2006 – Ord. 401 – Deleted Subds. 31 and 84 of Subsection 825.07, regarding definitions of excavation and land reclamation.*

*April 18, 2006 – Ord. 403 – Amended Subds. 57.1 and 64 of subsection 825.07 regarding definitions of Flag Lots and Lot Width.*

*August 15, 2006 – Ord. 411 – Amended subsection 825.69 regarding Concept Plans, adding a public hearing at the Planning Commission and mailed notifications to be sent.*

*October 17, 2006 – Ord. 417 – Amended sections 825.37; 825.43; 825.47; and 825.77 relating to notice requirements.*

*August 8, 2007 – Ord.428 – Added Subsection 106.1 defining Therapy, Animal-Assisted (or "AAT").*

The following pages are for reference only.  
As any ordinance is constantly undergoing changes, please refer to the  
City of Elk River's Web site ([www.ci.elk-river.mn.us](http://www.ci.elk-river.mn.us))  
to view the latest amendments to the Zoning Ordinance.

**Sec. 30-658. Interim uses.**

- (a) *Definitions.* The definitions in section 30-1 are applicable in this section.
- (b) *Authorization.* The city council may authorize interim uses of property by issuance of interim use permits. Interim uses that are not consistent with the land use designated on the adopted land use plan may be authorized. Interim uses that fail to comply with all of the zoning standards established for the district within which the use is located may also be authorized.
- (c) *Criteria.* In determining whether to authorize an interim use, the planning commission and city council shall consider the following criteria:
- (1) The period of time for which the interim use permit is to be granted will terminate before any adverse impacts are felt upon adjacent properties.
  - (2) There is adequate assurance that the property will be left in suitable condition after the use is terminated.
  - (3) The use is similar to uses defined in the zoning district in which the property is located.
  - (4) The date or event that will terminate the use can be identified with certainty.
  - (5) Authorizing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
  - (6) The applicant and user agree to all conditions that the city council deems appropriate for authorization of the interim use.
  - (7) The applicant provides assurances deemed adequate by the city council that the use will terminate as provided in the interim use permit. The city council may require the applicant to deposit a cash amount with the city, or provide some other form of security, to ensure compliance with this criteria.
- (d) *Required findings.* The city council must determine that the authorization of the interim use will not result in adverse effects on the public health, safety, or welfare.
- (e) *Application for permit.* Applications for interim use permits shall be processed in the same manner as for conditional use permits, as established in this subdivision III.

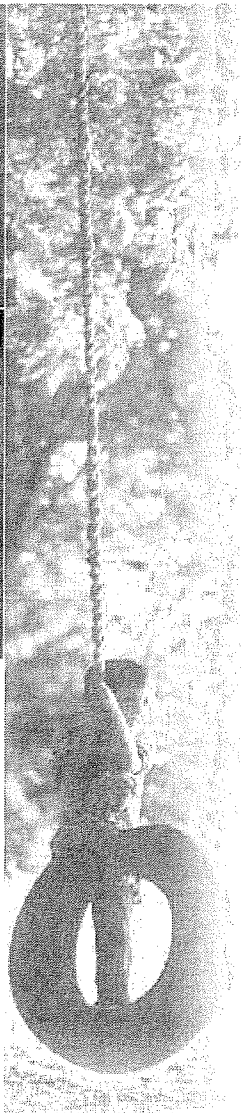
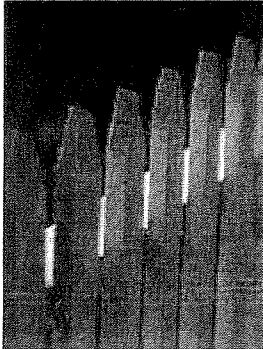
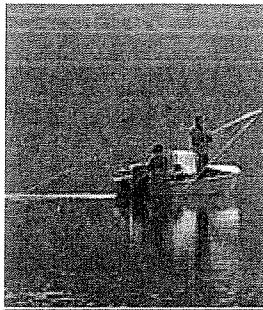
(Ord. No. 00-05, § 2(900.42), 3-20-2000)

**State law references:** Interim uses, Minn. Stats. § 462.3597.

**Sec. 30-659. Revocation.**

- (a) In addition to the remedies otherwise provided for in this ordinance, failure to comply with the conditions set forth in the approval of a conditional use permit may result in revocation of the permit by the city.
- (b) The revocation process shall be as follows:
- (1) If the city administrator or the city council determines that cause exists to find noncompliance with the terms of a conditional use permit, the city council may direct that a hearing be scheduled before the city council to receive testimony and evidence, to establish findings, and to determine whether the conditional use permit shall be revoked.
  - (2) The owner of the property on which the conditional use is located, and, if known to the city, the owner or operator of the conditional use, shall be notified of the hearing by personal delivery or certified mail, no less than ten days before the hearing. The notice of hearing shall include a summary of the alleged noncompliance of the conditional use permit.
  - (3) At the hearing, the city council shall receive testimony and evidence from the public and the city staff regarding the compliance or noncompliance of the use with the conditional use permit. The property owner and the owner or operator of the conditional use shall have an opportunity to testify and present evidence.
  - (4) At the conclusion of the public hearing the city council may continue the revocation to a future date or make its findings and determination.
  - (5) If the city council determines that the conditions of the conditional use permit have not been met, it may order revocation of the conditional use permit effective on such date as it shall determine.
  - (6) Revocation of a conditional use permit shall not be ordered unless the city council has made findings in writing or on the record of the council proceedings that there have been one or more violations of one or more conditions of the conditional use permit.
  - (7) Revocation of a conditional use permit shall be a final action of the city council, appealable only to district court, as provided by law.

(Ord. No. 00-05, § 1(900.42(8)), 3-20-2000)



# CITY OF TONKA BAY

## Section 1007

### SECTION 1007 – ADMINISTRATION – INTERIM USE PERMITS

**1007.01 PURPOSE.** The purpose and intent of allowing interim uses is:

Subd. 1. To allow a use for a brief period of time, not in excess of one year, until a permanent location is obtained or while the permanent location is under construction.

Subd. 2. To allow a use that is presently acceptable, but that with anticipated development or redevelopment, will not be acceptable in the future.

Subd. 3. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Municipal Plan.

### 1007.02 PROCEDURE.

Subd. 1. Existing Uses. Uses defined as interim uses which presently exist and which were legally established within a respective zoning district shall be considered approved.

Subd. 2. New Uses. Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a conditional use permit as established with Section 1003.

**1007.03 GENERAL STANDARDS.** An interim use shall comply with the following:

Subd. 1. Existing Uses. Shall be in conformance with zoning and building standards in effect at the time of initial construction and development and shall continue to be governed by such regulations in the future.

Subd. 2. New Uses.

- a. Conforms to all zoning regulations as otherwise applicable.
- b. The date or event that will terminate the use can be identified with certainty.
- c. The existence of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- d. The user agrees to any conditions that the City Council deems appropriate for permission of the use.

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Subd. 3. Existing Uses and New Uses.

- a. Shall maintain harmony and compatibility with surrounding uses and with the architectural character and design standards of existing uses and development.
- b. Conforms with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).
- c. Shall have no detrimental effect upon the property values or the general health, safety, and welfare of the surrounding uses and property owners.
- d. Traffic generated by the use does not overburden or exceed the capabilities of streets and other public services and facilities, including parks, schools, streets and utilities serving the area.

**1007.04 TERMINATION.** An interim use shall terminate on the happening of any of the following events, whichever first occurs:

Subd. 1. The date stated in the permit or ordinance.

Subd. 2. Upon violation of conditions under which the permit was issued.

Subd. 3. Upon change in the City's zoning regulations which renders the use non-conforming.

Subd. 4. The redevelopment of the use and property upon which it is located to permitted or conditional use as allowed within the respective zoning district.

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