

CITY OF WATERVILLE

**LE SUEUR COUNTY
STATE OF MINNESOTA**

Ordinance No.: 150.23

**AN ORDINANCE ADDING INTERIM USE PERMITS TO THE WATERVILLE
ZONING CODE**

The City Council for the City of Waterville, Le Sueur County, Minnesota, after duly holding a valid public hearing, hereby Ordains as follows:

SECTION 152.23. INTERIM USE PERMITS

1. Definitions and Purpose.

- a. An Interim Use is a temporary use of property until a particular date or until the occurrence of a particular event.
- b. The purposes for allowing interim uses are:
 - i. To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction; or
 - ii. 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; or
 - iii. To allow a use that is seasonal in nature; or
 - iv. To allow a use for a limited period of time that reasonably uses the property where it is not currently reasonable to use it in the manner otherwise provided in the zoning ordinance or comprehensive plan.

2. Permit Required.

- a. It is unlawful to use any structure or land for a purpose requiring an interim use permit in the zoning district in which the property is located without first obtaining an interim use permit from the City. Where applicable, a building permit must also be obtained from the City.

3. Application.

- a. An application for an interim use permit must meet the provisions for a conditional use permit in City Code Section 150.19 and in addition, must, when in the sole discretion the following are in the City Administrator's or the City's Zoning Administrator's discretion is needed, contain the following:
 - i. Written documentation which includes a complete description of the use, schedule for commencement and termination of the use, hours, and dates of operation and anticipated employment;
 - ii. A site plan drawn to scale showing parcel and existing topography;
 - iii. Location of all buildings and the size of each, including square footage;
 - iv. Curt cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks;
 - v. Natural features such as woodlands, wetlands, shorelines, etc.;
 - vi. Landscaping and screening plans, including species and size of trees and shrubs proposed;
 - vii. Proposed finishing grade and drainage plan sufficient to drain and dispose of all surface water accumulated;
 - viii. Proposed floor plan and elevations of any building with use indicated;
 - ix. Proposed outdoor storage spaces (if applicable);
 - x. Proposed accessory structures including the dimensions of the same and square footage identification of the same;
 - xi. Any special studies or additional information requested by the City Administrator or the Zoning Administrator where, in their discretion, the proposed use may negatively impact public infrastructure, the environment, or adjacent land uses. These studies may examine the impacts on such things as environment, wetlands, utilities, traffic, the surrounding properties, drainage, etc.

4. Procedure.

- a. The City will process an interim use application in acceptance with the procedure for conditional use permits. No application for an interim use permit that has been denied wholly or in part may be resubmitted for a period of six (6) months after the date of denial, except on the grounds of new evidence of proof of changes of conditions found to be valid by the City Council.

5. General Standards.

- a. The City will not grant an interim use permit unless the City Council determines that the use will meet the following:
 - i. The findings of fact and the conditions of approval for conditional use permits as set forth in City Ordinance Section 150.19, including passage upon a 4/5ths vote.

6. Effect of Permit.

- a. An interim use permit is effective only for the location specified in the Application.
- b. The issuance of an interim use permit does not confer on the property any vested right.

7. Termination.

- a. An interim use permit expires and the interim use must terminate at the earlier of:
 - i. The expiration date in the interim use permit; or
 - ii. The occurrence of any event identified in the interim use permit for the termination of the use; or
 - iii. The City Council revoking the interim use permit for cause; or
 - iv. The redevelopment of the use and property which the interim use permit is located to a permitted or conditional use as allowed within the respective zoning district.
- b. An interim use permit expires one (1) year after City Council approval if the propose use has not started or if the City has not issued a building permit for a structure to support the interim use. The City may approve one (1), one (1) year administrative time extension for the owner or operator to start using an interim use permit.
- c. An interim use permit expires if the interim use ceases operation for a continuous period of at least one (1) year.

8. Revocation or Modification.

- a. The City Council may review an interim use permit periodically and may revoke a permit upon violation of any condition of the permit, any law of the United

States, or the State of Minnesota, or any City Ordinance. If the City discovers after approval of the interim use permit that the City’s decision was based at least in part on false, misleading, or fraudulent information, the City Council may revoke the permit, modify the conditions or impose additional conditions to ensure compliance with this Section. The procedure for revocation of an interim use permit will be the same as those specified in the City Code for revocation of other City Council approved zoning and land use decisions.

9. Amendment

- a. Holders of an interim use permit may propose amendments or changes to an approved permit by following the procedures for a new permit as set forth in the City Code. No owner or operator shall undertake significant changes in the circumstances of the scope of the permitted uses without the approval of the changes by the City Council. The City shall determine what constitutes a significant change. Significant changes include, but are not limited to: expansion of structures and /or the premises and operational modification resulting in increased external activities and traffic. The City Council may approve significant changes and modifications to interim use permits, including adding or changing conditions of approval.

10. Effective Date.

- a. This Ordinance shall take full effect and be in full force after passage and publication.

Passed and adopted by the Waterville City Council on this 23rd day of March, 2021.

CITY OF WATERVILLE

Alan Schmidtke, Mayor

ATTEST:

Teresa K. Hill City Administrator

1st reading March 2, 2021
2nd reading, Public hearing and Adoption, March 23, 2021
Published, April 1, 2021