

**CHAPTER 10 LAND USE REGULATIONS**

ORDINANCE 1016 INTERIM USE PERMITS

Section 1016.01: PURPOSE OF INTERIM USE PERMITS..... 1016-1

Section 1016.02: APPLICATION, PUBLIC HEARING, NOTICE AND PROCEDURE ..... 1016-1

Section 1016.03: CRITERIA FOR GRANTING INTERIM USE PERMITS ..... 1016-1

Section 1016.04: TERMINATION ..... 1016-1

Section 1016.05: SUCCESSIVE APPLICATIONS ..... 1016-2

Section 1016.06: FEE ..... 1016-2

## CHAPTER 10 LAND USE REGULATIONS

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### ORDINANCE 1016 INTERIM USE PERMITS

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Section 1016.01: PURPOSE OF INTERIM USE PERMITS. The purpose and intent of allowing interim uses is:

- (1) To allow a use for a limited period of time that reasonably utilizes the property in the manner not permitted in the applicable zoning district.
- (2) To allow a use that is presently acceptable but that, with anticipated development, may not be acceptable in the future.

Section 1016.02: APPLICATION, PUBLIC HEARING, NOTICE AND PROCEDURE. The application, public notice, and procedure requirements for interim use permits shall be the same as those for Conditional Use Permits as provided in Section 1015 of this Ordinance.

Section 1016.03: CRITERIA FOR GRANTING INTERIM USE PERMITS. 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 at the proposed location:

- (1) Meets the standards of a conditional use permit set forth in Section 1015 of this Ordinance;
- (2) Conforms to the zoning regulations, performance standards and other requirements of this Ordinance;
- (3) Is allowed as an interim use in the applicable zoning district;
- (4) the date or event that will terminate the use can be identified with certainty as specified in the resolution approving said interim use permit;
- (5) the user agrees to any conditions that the governing body deems appropriate for permission of the use;
- (6) Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future;
- (7) Will be subjected to, by agreement with the owner, any conditions that the City Council has deemed 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.

Section 1016.04: TERMINATION. An Interim Use Permit shall terminate upon the occurrence of any of the following events; whichever first occurs:

- (1) The date specified in the permit;

## CHAPTER 10 LAND USE REGULATIONS

- (2) A violation of the conditions under which the permit was issued; or
- (3) A change in the City's zoning regulations which renders the use nonconforming.

Section 1016.05: SUCCESSIVE APPLICATIONS. Whenever an application for an Interim Use Permit has been considered and denied by the City Council, a similar application for an Interim Use Permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by not less than four-fifths (4/5) vote of the full City Council.

Section 1016.06: FEE. The City Council shall establish a fee for Interim Use Permits, which shall be in an amount sufficient to reimburse the City for costs of mailing, publication, and staff time. The fee shall be as set forth in Section 215 of this Code.