



INTERIM USE PERMIT (IUP)

An **interim use** is a use, which because of certain characteristics, cannot be properly classified as a permitted use in the zoning district within which it is proposed. Interim Use Permits are designed to meet the problem that arises where certain uses, although general compatible with the basic use classification of a particular zone, should not be permitted to locate as a matter of right in every area included within the zone because of hazards inherent in the use itself or special problems which its proposed location may represent..

PLANNING & ZONING RICHFIELD COMMUNITY DEVELOPMENT DEPARTMENT

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Findings Needed to Grant a IUP:

- Interim use will not adversely impact the health, safety, and welfare of the community during the interim use time;
- The interim use is similar to exiting uses in the area;
- An interim use shall conform to zoning regulations except that City Council may waive ordinance provisions upon a finding that the temporary nature of the interim use will eliminate the adverse effects the provisions were intended to prevent;
- Assurance that the property will be left in suitable condition after the use is terminated;
- By agreement the use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
- The property owner by agreement agrees to any conditions that the City Council has deemed appropriate for permission of the use, including condition that the owner will provide appropriate financial surety to cover the cost of removing the interim use and interim structures upon expiration of the interim use permit; and
- The property owner agrees to abide by an additional conditions that the Council deems appropriate for permission of the use.

Process:

1. An Interim use permit needs to be initiated by a petition of at least 51% of the owners of the land proposing the interim use, the Planning Commission, or the City Council.
2. An application for an IUP is submitted to the Community Development Department. Applications can be found on the City's website.
3. An application shall also include:
 - > A signed statement agreeing that the applicant, owner, operator, tenant, and/or user has no entitlement to future reapproval of the interim use permit;
 - > 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;

**ZONING CODE
SECTION 547.15**

2/2014

- > 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; and
 - > A statement addressing the relationship of the proposed project to the neighboring uses.
4. The application is reviewed by the Administrative Review Committee (ARC). ARC is made up of staff members from different City departments who review the request for compliance with applicable codes and standards and for the possible effects the request may have on City services or adjacent properties. ARC members may request additional information and/or ask changes to be made to the proposal prior to the application being placed on an agenda.
 - > **ARC meets on Thursdays at 10:30 a.m. Applications are due one week before the ARC meeting.**
 5. The applicant submits the application fee along with the required number of copies of additional information and/or attachments to the proposal as required.
 6. The application is then placed on the Planning Commission schedule.
 - > **Applications must be submitted at least 28 days before the scheduled Planning Commission meeting to be considered for the agenda. An application must be *complete* at least 14 days before the scheduled Planning Commission meeting to be placed on the agenda. The Planning Commission meets on the fourth Monday of every month.**
 7. The Planning Commission will conduct a public hearing and make a recommendation to the City Council. Notice of the public hearing is published in the official newspaper and sent to all property owners and occupants within 350 feet of the property.
 8. The recommendation of the Planning Commission will be forwarded to the City Council for a final determination on the application. The City Council will approve or deny the IUP.

Application Review Timeline: The City is required to notify applicants within 10 working days of receiving an application as to whether or not an application is complete. Once an application is complete, the City has 60 days to make a decision on the application. The City has the option of extending the 60-day review period if it informs the applicant in writing of the reason why an extension is needed. The City makes every effort to process the application within 60 days.

Expiration of IUP: An IUP may not be granted for a period of greater than five years. The use will terminate upon a date or event that can be identified with certainty. The period of time for which the interim use is to be granted will terminate before any adverse impacts are felt upon adjacent properties.

Termination of a IUP: An IUP shall terminate upon the occurrence of any of the following events; whichever comes first: The date on the permit, or the violation of conditions under which the permit was issued, or a change on the zoning regulations that renders the use nonconforming.

Additional Information:

- A security deposit acceptable to the City shall be provided when screening, landscaping, parking lot or other similar improvements to the property are required.

Application Fee:

The processing fee for an IUP application is \$500 + \$100/year of requested IUP. (If permit is granted for fewer years than requested, excess fee shall be refunded.)