



INTERIM USE PERMIT APPLICATION CHECKLIST & RESPONSE

*Applications will be scheduled for consideration by the Planning Commission and/or City Council only after all required materials have been submitted. Application submittal deadlines are available on the City's website or by contacting the Community Development Manager.
Late or incomplete applications will not be accepted.*

Office Use Only:

Case #: _____

Applicant: _____

Address: _____

A. PURPOSE: Pursuant to City Code Section 12-1L-6-1, the purposes for allowing interim uses are to:

1. Allow a use for a limited period of time until a permanent location is obtained or while the permanent location is under construction.
2. Allow a use for a limited period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner otherwise provided in the comprehensive plan or this code.
3. Allow a use that is presently acceptable 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 zoning district.
4. Allow a use that is seasonal in nature.

B. APPLICATION REQUIREMENTS:

The following materials must be submitted for the application to be considered complete:

☐ Completed Planning Application, with signatures/dates from the Applicant and/or Property Owner, if different from the Applicant. The application must also include the attached "Statement Explaining Escrow Fee Payment" form, to be signed by the Applicant.

☐ Fee (*including escrow*) as noted in the attached Fee Schedule with Planning Application. Checks made payable to **City of Mendota Heights**.

NOTE: Planning Application fees and escrow fees do not cover building permit fees, utilities, or other fees which may be required after application approval or to complete the proposed project.

☐ Letter of Intent. The Applicant's letter must include a brief narrative describing and justifying the need of the interim use; and provide a response statement to the following standards (*as they apply to the proposed use*):

- a. **The proposed use will not be detrimental to the health, safety or general welfare of the community, nor will cause serious traffic congestion nor hazards, nor will seriously depreciate surrounding property value.**
- b. **The proposed use conforms to the general purpose and intent of this code and comprehensive plan, including all applicable performance standards, so as not to be in conflict on an ongoing basis.**

- c. The date or event that will terminate the use can be identified with certainty.
- d. Permission of the use will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
- e. The user agrees to any conditions that the city 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 an interim use and any structures upon expiration or revocation of the interim use permit.
- f. The use will not delay anticipated development or redevelopment of the site.
- g. The property on which the use will be located is currently in compliance with all applicable city code standards.
- h. The use is allowed as an interim use in the applicable zoning district.

- ☐ One (1) electronic copy via email, flash-drive or similar, plus two (2) full-sized hard copy sets with measurable scale of all required plans
- ☐ Electronic and hard copies of all the required materials must be submitted according to the Planning Application submittal schedule.

APPLICANT MUST CHECK ALL APPLICABLE ITEMS INCLUDED IN THE SUBMITTAL

- ☐ Site and Development Plans.

Site Development Plan:

- ☐ Location of all buildings, including existing and proposed.
- ☐ Location of all adjacent buildings located within 350' of the exterior boundaries of the property.
- ☐ Floor area ratio.
- ☐ Location and number of existing and proposed parking spaces.
- ☐ Vehicular circulation.
- ☐ Architectural elevations (type and materials used on all external surfaces).
- ☐ Sewer and water alignment, existing and proposed.
- ☐ Location and candle power of all lights and luminaries.
- ☐ Location of all existing easements.

Dimension Plan:

- ☐ Lot dimensions and area.
- ☐ Dimensions of proposed and existing structures.
- ☐ "Typical" floor plan and "typical" room plan.
- ☐ Setbacks on all structures existing or proposed on property in question.
- ☐ Proposed setbacks.

Grading Plan:

- ☐ Existing contour.
- ☐ Proposed grading elevations.
- ☐ Drainage configuration.
- ☐ Storm sewer catch basins and invert elevations.
- ☐ Spot elevations.
- ☐ Proposed road profile.

Landscape Plan:

- ☐ Location of all existing trees, type, diameter and which trees will be removed.
- ☐ Location, type and diameter of all proposed plantings.
- ☐ Location and material used of all screening devices.

C. REVOCATION OF PERMIT: An interim use permit may be revoked by any of the following; whichever occurs first:

1. A violation of any condition set forth in an interim use permit, which shall also be considered a violation of this code.
2. A violation of laws of the United States or the state of Minnesota, or this code.
3. If after approval it is discovered the permit was issued based on false, misleading, or fraudulent information.
4. An amendment to this code which prohibits the use.
5. The use becomes in conflict with the comprehensive plan.
6. The expiration date or occurrence of any event(s) stated in the permit for termination of the use.
7. The use has ceased for a continuous period of at least six (6) months.
8. The use has not commenced or a building permit for a structure to support the use has not been issued within one year after approval.

D. Notice of Revocation: Upon occurrence of the date or event for termination of the interim use permit, the city shall notify the permittee in writing that the interim use permit shall terminate not later than six (6) months after the date of such notice.

E. Effect of Permit: An interim use permit is effective only for the location specified in the application. The issuance of an interim use permit does not confer on the property any vested right.

F. Permit Review: An interim use permit may be reviewed at any time if the city council is of the opinion that the terms and conditions of the permit have been violated or if one of the criteria for termination has been met or any other unintended consequences.

G. Permit Extension: The city council shall have the right to extend the termination date for such additional periods as are consistent with the terms and conditions of the original permit.

The City Council must make an affirmative finding on all of the criteria listed above in order to grant an interim use permit. The applicant for an interim use permit has the burden of proof to show that all of the criteria listed above have been satisfied.