

PROCEDURE FOR AN APPLICATION FOR AN INTERIM USE PERMIT

Overview: Certain uses, while generally not suitable in a particular Zoning District, may, under certain circumstances be acceptable for a prescribed period of time. An Interim Use is a temporary use of property until a particular date, until the occurrence of a particular event or until the zoning regulations no longer permit it. Interim Uses shall only be allowed in extraordinary circumstances and in response to a need that benefits the overall community.

Pre-Application Procedure: Prior to submitting an application for an Interim Use Permit, applicants are encouraged to meet with the Community Development Staff to discuss the following:

- City Plans and policies that might relate to or affect the property.
- Preliminary development or building plans for the property.

The applicant is responsible for understanding the requirements of the City Zoning Ordinance, including setbacks, landscaping, parking, required improvements, submittal requirements, signs, and so on. The Community Development Staff will also advise you of other potential governmental jurisdiction involvement.

The following must be brought to the pre-application meeting:

- The location of the property; and
- Any preliminary plans developed for the property.

If a decision is made to proceed after the advisory meeting or meetings, a formal application is made.

Process: Within ten (10) business days of submission of the application, the applicant will receive formal, written notice from the City about whether the application is complete. Within 30 days of receipt of a complete application, the Community Development Department will schedule a public hearing for review by the Planning Commission.

Timing: Public hearings are scheduled for the Planning Commission on the 2nd and 4th Mondays of each month. Complete applications must be submitted to the Community Development Department at least thirty (30) days prior to the scheduled meeting to allow publication of hearing notice. The Community Development Department will publish notices in the *Prior Lake American* and notify the applicant and other affected property owners of the date and time the proposal will be heard by the Planning Commission. Following the public hearing the proposal will be scheduled for a City Council review. City Council meetings are scheduled on the 1st or 3rd Mondays of the month.

Staff Report: The Community Development Department will prepare a staff report which: 1) explains the request; 2) reviews how the proposal relates to the Zoning Ordinance requirements and the standards for approving a interim use permit; and 3) provides a recommendation.

Hearing: A public hearing will be held by the Planning Commission. The Commission will review the staff report and hear from the applicant. Public testimony on the request will also be taken. The Planning Commission, after reviewing all of the information, will make a determination on the application based on findings addressing the relationship of the proposed amendment to the following standards:

- (1) The use conforms to (is allowed as an interim use in) the Zoning District;
- (2) The date or event that will terminate the use can be identified with certainty;
- (3) Permitting the use will not impose additional costs on the City if it is necessary for the City to take the property in the future; and
- (4) The permittee agrees in writing to any conditions that the City Council deems appropriate for permission of the use.

The proposed Interim Use must meet all requirements specified in Section 1108.1000 of the Zoning Code. If the property is located within the Flood Plain or Shoreland Districts, additional evaluation criteria, listed in Section 1108.203 and 1108.204 of the Zoning Code, will also be applied.

Applicants are invited to use the overhead projector provided, and the exhibits prepared by Staff. Any additional exhibits submitted by the applicant (at the hearing or prior to the hearing) such as photographs, petitions, etc. must be entered into the public record and submitted to the Community Development Department for the file.

City Council Review: The City Council will review the application and the recommendation of the Planning Commission, along with the record of the public hearing and other pertinent information. **The City Council review of this application is not a public hearing, and the Council may or may not choose to hear testimony. In any case, no new evidence may be introduced to the City Council following the close of the public hearing.**

The City Council must make a decision to approve or deny the application within 120 days of receipt of a complete application. If the amendment is approved, it is effective following publication of the Ordinance in the *Prior Lake American*.

APPLICATION INSTRUCTIONS

No application will be considered until all required information is submitted. The following information, along with the attached checklist, is required for a complete application. The City also reserves the right to request additional information when needed to review an application.

- **Application Fee:** Check payable to the “City of Prior Lake”. The filing fee is \$350.00.
- **Signed Application:** A completed application form signed by the owner or owners of the property. Include authorization from the property owner on the application form or by attached letter of authorization if an agent signs the application.
- **Application Checklist:** The attached checklist identifies the necessary information. *Failure to provide any of the required information will result in an incomplete application.* The Application Checklist will expedite the review of your application. **Attach the checklist with the application materials.**

INTERIM USE PERMIT APPLICATION CHECKLIST

PROJECT NAME: _____

DEVELOPER: _____

FILE NUMBER
DATE SUBMITTED
REVIEWED BY

For City Use Only

REQUIRED INFORMATION	LOCATION	VERIFIED (for City use only)
The following data is required as part of an interim use permit application according to the City of Prior Lake Zoning Ordinance.	Indicate where this information is provided in the application materials such as sheet #, narrative, or other attached report.	Reviewed by City staff to ensure required materials were submitted.
Application		
1. A complete Application Form, signed by the applicant and the fee owner of the property.		
2. The name, address and telephone number of the owner, the owner's agent, the applicant, surveyor and designer of the project.		
3. A radius map and a list and 2 sets of labels of the names and addresses of the owners of property located within 350' of the subject site. These shall be obtained from and certified by an abstract company.		
4. The required filing fee of \$350.00.		
5. Any necessary applications for zone changes and/or variances from the provisions of the Zoning Ordinance, along with the required fees and submittal information for those applications.		
6. A complete legal description of the property, and a location map showing the location of the proposed development in the City.		
7. Ten (10) full-scale copies of the IUP plan and supporting data and one 11"X 17" reduction of each sheet.		
8. A summary narrative detailing how the use will function on the site, when termination of the use is expected, and how the criteria is met related to being an extraordinary circumstance with a need that benefits the overall community.		

REQUIRED INFORMATION	LOCATION	VERIFIED (for City use only)
General Development Plan (Section 1108.205):		
1. Site conditions and existing development on the subject property and immediately adjacent properties.		
2. The proposed use of all areas of the site.		
3. The proposed density, type, size and location of all dwelling units, if dwelling units are proposed.		
4. The general size, location and use of any proposed nonresidential buildings on the site.		
5. All public streets, entrance and exist drives, and walkway locations.		
6. Parking areas		
7. Landscaped areas		
8. Parks and open spaces, public plazas, and common areas.		
9. Site dimensions		
10. Generalized drainage and utility plans.		
11. Any other information the City may request to determine whether the proposed project meets the requirements of this subsection.		
Summary Sheets which include the following:		
1. Proposed densities, and ground floor areas.		
2. Acreage or square footage of individual land uses on the site.		
3. All proposed modifications of the district regulations being requested.		
4. Generalized phasing plan for the project, including the geographical sequence of construction and the number of dwelling units or square footage of nonresidential property to be contracted in each phase.		
Other information which may be required includes:		
1. A lighting plan as required by Section 1107.1800 of the Zoning Code.		
2. A signage plan as required by Section 1107.400 of the Zoning Code.		
3. If applicable, a preliminary plat or other subdivision applications.		