

**CITY OF ROCKVILLE  
INTERIM USE APPLICATION AND THE PROCESS**

**PURPOSE AND INTENT**

The purpose and intent of allowing interim uses is:

1. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
2. To allow a use that is presently judged acceptable by the City, but that, with anticipated development or redevelopment, will not be acceptable in the future.
3. To allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable.

**PROCEDURE**

Interim Use Permits will be processed according to the procedures for Conditional Use Permits.

**GENERAL STANDARDS**

An interim use **must comply with the following:**

1. The use must meet the Conditional Use Permit standards set forth in this Ordinance.
2. The use must conform to all applicable zoning regulations.
3. The date or event that will terminate the use must be identified with certainty.
4. The use must not impose additional, unreasonable costs on the public if it is necessary for the public to take the property in the future.
5. The applicant must agree to any conditions deemed appropriate by the City Council (after recommendation by the Planning Commission) for permitting the use.

**ADDITIONAL CONDITIONS**

In permitting an interim use, the City Council may, on its own or based upon the Recommendation of the Planning Commission, impose, in addition to the Standards and requirements expressly specified by this Ordinance, additional Conditions the City Council considers necessary to protect the interests of the Surrounding area.

**TERMINATION**

An interim use will terminate and become void upon the occurrence of any of the following events:

1. The date stated in the permit.
2. A violation of any condition under which the City Council issued the permit.
3. A change in the applicable zoning regulations, which no longer allows the use.
4. The operator/owner or the use changes.
5. The permit is not utilized for a period of one (1) year from the date issued.

**REVOCACTION**

The City Council may revoke the interim use permit if any of the permit=s conditions are violated.

**CERTIFICATION OF TAXES PAID**

Before the City Council approves an interim use permit application, the City Council may request that the applicant provide certification that there are not delinquent property taxes, special assessments, interest, or utility fees due upon the parcel of land to which the interim use permit application relates.

## PROCEDURES FOR CONDITIONAL USE PERMIT

The Conditional Use permit application must be filled out and completed by the Applicant. The following items should be included as part of the application.

### PURPOSE

The purpose of this Section of the Zoning Ordinance is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

### PROCEDURE

1. **Application.** A person applying for a Conditional Use Permit must fill out and submit to the Zoning Administrator a Conditional Use Permit Application form, accompanied by the required fee and detailed material fully explaining the specific request together with such information as is necessary to show compliance with this Ordinance. The application must include a site plan showing the following, as applicable:
  - A. **Application filled out & signed**
  - B. **Form to explain how the request for a Conditional Use Permit meets the zoning requirements.** (A Conditional Use Permit cannot be granted unless evidence is presented that satisfies the 9 conditions. Failure to adequately provide such information may result in a denial of your request for a conditional use permit.)
  - C. **Copy of Deed.**
  - D. **Provide Individual Property Owner names:** Within 350 feet or nearest 10 property owners (whichever is greatest)
  - E. **Applicant provides an Aerial Photo** (The photo would depict vegetative cover on property and how it links with adjacent property).
  - F. **Applicant provides the distance to the nearest existing driveways.**
  - G. **Application must include a site plan.**  
***(Site plan shows the following, as applicable :)***
    1. Site description (legal description).
    2. A Certificate of Survey.
    3. Site plan drawn to scale showing the parcel and building dimensions, area and setbacks.
    4. Location of all existing and proposed buildings and their square footage.
    5. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, sidewalks, vehicular circulation, and snow storage locations.
    6. Landscaping and screening plans.
    7. Waste facilities including enclosure and screening.
    8. Drainage and grading plan.
    9. Sanitary sewer and water plan with estimated use per day.
    10. Soil type.
    11. Any additional written or graphic information reasonably required by the Zoning Administrator or the Planning Commission.

2. **Fees.** A fee the City Council shall establish by resolution must accompany the application. **An additional fee may be charged for atypical projects, which in the opinion of the Zoning Administrator will require additional staff time and/or City Expenditures. In such case, the applicant will be required to reimburse the City for administrative time, professional services and costs incurred by the City.**
  - ◆ The required fee offsets –Staff time, publishing the public hearing notice, mailing the notice to property owners, the regular scheduled meetings of the Planning Commission & Council.  
\*\*\*Note: There is an additional cost to hold a special meeting.

**When a complete Interim Use permit application is on file. (Here are the next steps).**

1. **Referral to Planning Commission.** After the Zoning Administrator has reviewed the application and the date has been set for the public hearing, the Zoning Administrator shall refer the application to the Planning Commission, together with the Zoning Administrator’s review and recommendations regarding the application.
2. **Planning Commission Review.** The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council.
  - A. **Appearance by Applicant.** The applicant or the applicant’s representative(s) must appear before the Planning Commission in order to answer questions concerning the Conditional Use Permit application.
3. **Recommendation by the Planning Commission.** After reviewing the Conditional Use Permit application, the Planning Commission will make a written recommendation to the City Council within forty-five (45) days after the Zoning Administrator receives the application as to whether the City Council should approve or deny the application. If approval is recommended, the Planning Commission may suggest conditions to be attached to the Conditional Use Permit.
4. **City Council’s Review.** Upon receiving the Planning Commission’s report and recommendation, the City Council may hold an additional public hearing, if deemed necessary, and make the final decision on all Conditional Use Permit applications.
  - A. **Appearance by Applicant.** The applicant or the applicant’s representative(s) must appear before the City Council in order to answer questions concerning the Conditional Use Permit application.
5. **Vote Required.** Approval of a Conditional Use Permit will require passage by a majority of the votes cast.
6. **Conditions.** If the City Council grants the Conditional Use Permit, it may impose conditions to it, or the Planning Commission, considers necessary to protect the public health, safety and welfare.
7. **Written Findings.** The City Council will issue written findings stating the reasons for its decision and any conditions imposed, and will serve a copy of its decision on the applicant by U.S. mail, within ten (10) days after its decision. In any event, the City Council will make a decision on each Conditional Use Permit application within sixty (60) days after the Zoning Administrator receives the application or may extend the time for consideration under state law.

8. **Appeal.** An applicant may appeal the City Council's decision to the Stearns County District Court as provided by law.
9. **Amendments.** An application for an amendment to a Conditional Use Permit will be administered in the same manner as a Conditional Use Permit.
10. **Resubmission.** No application, which is substantially the same as and application of a denied Conditional Use Permit shall be resubmitted for a period of one (1) year from the date of denial. The City Council may permit a new application if, in its opinion, new evidence or a change of circumstances warrant reconsideration.

### **CRITERIA FOR GRANTING CONDITIONAL USE PERMITS**

In granting a Conditional Use Permit, the City Council will consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding land, including land values. Among other things, the City Council must make the following findings when applicable.

1. **Not a Burden on Public Facilities.** The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. **Compatible with Existing and Planned Adjacent Uses.** That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area.
3. **No Adverse Affect on Adjacent Properties.** The structure and site will not have an appearance, traffic, noise, odors, fumes, dust, vibration, light or emission levels or other features that will have an adverse effect upon adjacent properties for purposes already in use or permitted.
4. **Related to the Needs of the City.** The use is reasonably related to the overall needs of the City and to existing land uses.
5. **Consistent with the Comprehensive Plan.** The proposed use is in compliance with the Land Use Plan and other portion of the Comprehensive Plan adopted by the City.
6. **Not a Traffic Hazard.** The use will not cause a traffic hazard or congestion.
7. **Adequate Parking and Loading.** That maximum measures have been or will be taken to provide maximum off-street parking and loading space to serve the proposed use.
8. **Not detrimental to Health, Safety and Welfare.** The proposed use will not be detrimental to the public health, safety, comfort and general welfare of the City.
9. **Floodplain.** For property located in Floodplain districts, the criteria set out in the Floodplain Ordinance will be met.
10. **Shore land.** For property located in Shore land districts, the criteria set out in the Shore land Ordinance will be met.
11. **Feedlots.** Feedlots will meet the requirements of this Ordinance and all other applicable ordinances.

## **ADDITIONAL CONDITIONS**

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition of and the City Council may impose conditions considered necessary to protect the best interest of the surrounding area or the City as a whole, in addition to the standards and requirements expressly specified by this Ordinance. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimensions.
2. Limiting the height, size, number or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Requiring diking, berming, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Designating operating hours and noise levels.
10. A time limit on the use.
11. Any other condition the Planning Commission or City Council deems necessary to protect the public interest.
12. Additional Conditions may be imposed on property located in a floodplain in accord with the Floodplain Ordinance.
13. Additional Conditions may be imposed on property covered by the Shore land Ordinance.
14. Additional Conditions may be imposed on feedlots in accord with other applicable ordinances including without limitation Stearns County=s Ordinances relating to feedlots.

## **CHANGES IN CONDITIONAL USES**

Any change involving structural alteration, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator will maintain a record of all Conditional Use Permits issued including information on the use, location, and conditions imposed by the City Council and time limits, review dates, and such other information as may be appropriate.

## **RECORDING CONDITIONAL USE PERMITS**

A certified copy of any Conditional Use Permit shall be filed with the Stearns County Recorder. The Conditional Use Permits shall include the legal description of the property involved.

- ◆ Stearns County Recorder office charges a fee to record the legal document.  
**The Applicant is responsible for those fees.**

## **REVOCAION**

In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke a Conditional Use Permit.

## **TIME LIMITATION**

A Conditional Use Permit may include an expiration date and the property owner will be responsible to submit the application for renewal of the permit. The City Council will review and approve all renewal applications, which must be submitted at least sixty (60) days before the expiration date. The criteria for renewal will be the same as for a new permit. The owner of the land will not be required to pay a fee for said review.

**LAPSE/EXPIRATION**

If within one (1) year after granting a Conditional Use Permit the use permitted has not been started, then the permit will become null and void unless the City Council has approved a petition for an extension. Conditional Use Permits expire if the authorized use ceases for any reason for more than six (6) months. Conditional Use Permits expire if the use is abandoned. A use is considered abandoned if the use is replaced by another use or discontinued for more than six (6) months.

**COMPLIANCE**

1. **Revocation**. The City Council may revoke a conditional use permit if it determines that the permit's terms and conditions are not being complied with.
  
2. **Procedure**. The Building Inspector, Zoning Administrator, any Council member or the Mayor may bring before the City Council notice of a potential violation involving the terms or conditions of a Conditional Use Permit which has been issued in the City. In such event the Building Inspector or Zoning Administrator shall investigate the violation and report back to the Council. If the Council determines that proceedings to consider revocation of the permit are warranted, the Council shall provide five (5) days written notice to the owner of the property, as shown on the property tax records for which the Conditional Use Permit has been issued, of the time and place at which the Council will consider the revocation. The property owner shall have an opportunity to be heard after which time the Council may take all appropriate actions including the revocation and termination of the Conditional Use Permit.
  
3. **Costs of Enforcement**. It shall be a term of any Conditional Use Permit issued by the City, whether or not specifically stated, that the property owner(s) shall pay all staff and reasonable attorney's fees associated with enforcement of the terms of the Conditional Use Permit.

**INTERIM/CONDITIONAL USE PERMIT PROCESS: (STEPS)**

1. Provide a complete application by the 2<sup>nd</sup> Tuesday of the month to be on the following month's Planning Commission Agenda.
  
2. **DATE:** \_\_\_\_\_ Planning Commission –May schedule a site visit; hold the public hearing at their meeting and make a recommendation to the Council at the next City Council meeting.
  
3. **DATE:** \_\_\_\_\_ Council - (Meets 3<sup>rd</sup> Wednesday of month) Makes the final decision–if Council grants the Interim/Conditional Use Permit.
  
4. **DATE:** \_\_\_\_\_ Notice of Granting Interim/Conditional Use Permit Proceedings will be mailed to Stearns County Recorder and a copy will be mailed to applicant.

\_\_\_\_\_  
**(Applicant Signature)**

(I hereby certify that I have read the above information and I agree with the terms.)

\_\_\_\_\_  
**Date**



**CITY OF ROCKVILLE  
APPLICATION FOR INTERIM/CONDITIONAL USE PERMIT**

Please use this for to explain how your request for a interim/conditional use permit meets the zoning requirements.

1. Not a burden on public facilities.
  
2. Compatible with existing and planned adjacent uses.
  
3. No adverse affect on adjacent properties.
  
4. Related to the needs of the City.
  
5. Consistent with the Comprehensive Plan.
  
6. Not a traffic Hazard.
  
7. Adequate parking and loading.
  
8. Not detrimental to health, safety, and welfare.
  
9. Flood plan.



---

**Staff Use only:**

Zoning Administrator reviewed Interim/Conditional Use Permit Application.

1. Referred to City Attorney and/or City Engineer: Date \_\_\_\_\_

Why: \_\_\_\_\_

2. Determination made & why: \_\_\_\_\_

( ) Complete Application

( ) Incomplete Application Why: \_\_\_\_\_

Applicant was notified for additional information: Date \_\_\_\_\_ in which the information needs to be turned in by. \_\_\_\_\_ in person \_\_\_\_\_ by phone \_\_\_\_\_ email

Staff \_\_\_\_\_ Date \_\_\_\_\_

Application interim/conditional use permit. forms