

ORDINANCE NO. 2009- 16

AN ORDINANCE ADDING CONDITIONS FOR SUCCEEDING INTERIM USES FOR THE SAME USE ON THE SAME SITE; MODIFYING THE USE STATUS OF BILLBOARDS FROM TEMPORARY CONDITIONAL USES TO INTERIM USES; AND MODIFYING THE TERM FOR AN INTERIM USE PERMIT FROM NOT TO EXCEED THREE YEARS TO A TERM NOT TO EXCEED FIVE YEARS AND AMENDING BILLBOARD STANDARDS; THEREBY AMENDING CHAPTER 19 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE II. ADMINISTRATION AND PROCEDURE

SEC.19.14. FEES.

- (a) The following fees shall be applicable to application or petition for conditional uses, interim uses, rezoning, variances, ordinance changes, development plans, environmental reviews, sign permits, and similar applications:

(10) Interim Use Permit	\$300.00
<u>(A) Re-application for an interim use permit previously approved by the City Council (same use on the same site)</u>	<u>\$200.00</u>

SEC. 19.23.03. INTERIM USES.

(c) Application, Hearings.

- (1) Application shall be made by the fee owner or authorized representative of the fee owner of the property upon which the interim use is proposed. The Planning Commission or City Council may also initiate an application for an Interim Use Permit.
- (2) Applications shall include:
 - (A) A completed application form signed by the fee owner of the property or by the fee owner's authorized representative;
 - (B) All necessary information to fully describe the nature of the request and use, its operation and intensity, location on the site,

affect on abutting and adjacent properties and site improvements necessary to conduct the use;

- (C) A letter from the applicant stating the date or event that will terminate the use;
- (D) ~~[A signed consent agreement, provided by the Issuing Authority, agreeing:
 - (i) that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the Interim Use Permit;
 - (ii) 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; and
 - (iii) 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.]Any other information that may be required by the Issuing Authority to evaluate the application.~~
- ~~[(E) Any other information that may be required by the Issuing Authority to evaluate the application.]~~

- (d) **Findings.** An Interim Use Permit may be granted only if the City Council makes all of the following findings ~~[finds as follows]:~~
 - (1) The use will not delay permanent development of the site.
 - (2) The use will not adversely impact implementation of the Comprehensive Plan.
 - (3) The use will not be in conflict with any provisions of the City Code.
 - (4) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
 - (5) The date or event that will terminate the use has been identified with certainty.
 - (6) ~~[The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the Interim Use Permit as well as agreeing 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.]~~
The applicant is both willing and able to maintain the use in compliance with all applicable laws, codes and regulations.

- (f) Expiration and Termination.
 - (1) An Interim Use Permit shall expire and the interim use shall terminate at the earlier of:
 - (A) The expiration date established by the City Council at the time of approval, but in no event more than five ~~[three]~~ years from the date of approval;
 - (B) The occurrence of any event identified in the Interim Use Permit for the termination of the use; or
 - (C) Upon an amendment of the City Code that no longer allows the interim use.

- (h) Standards.

- (1) Term. The term of an Interim Use Permit shall not exceed five [~~three (3)~~] years.
- (2) Re-Application. Because of its temporary nature, an interim use permit is not subject to renewal, but upon re-application for a time extension of the same use on the same site beyond the date of expiration of its Interim Use Permit, [shall not be renewed. Continuation of an interim use beyond the date of expiration of its Interim Use Permit requires approval of a] succeeding [new] Interim Use Permits may be approved for up to five years if the City Council makes the findings set forth in subsection (d) hereof in the affirmative and also finds that all previous conditions of approval have been satisfied and that the use meets all Code requirements or has received appropriate variances from those requirements.

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

SEC. 19.33. INDUSTRIAL (I-1, I-2, AND I-3) DISTRICTS.

(d) Conditional uses -

- (8) Reserved. [Billboards in existence in General Industrial (I-3) Districts prior to June 1, 1994, subject to the requirements of Section 19.66(b) of this Code.]

(e) Interim Uses -

- (4) Billboards in existence in the General Industrial (I-3) District prior to June 1, 1994, subject to the requirements of Section 19.66(b) of this Code.

SEC. 19.34. FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.

(d) Conditional uses -

- (15) Reserved. [Billboards in existence in Freeway Development (FD-2) Districts prior to June 1, 1994, subject to the requirements of Section 19.66(b) of this Code.]

(e) Interim Uses -

- (5) Billboards in existence in the Freeway Development (FD-2) District prior to June 1, 1994, subject to the requirements of Section 19.66(b) of this Code.

ARTICLE III. A. ADDITIONAL ZONING DISTRICTS

SEC. 19.40.07. COMMERCIAL SERVICE DISTRICTS CS-0.5 AND CS-1.

- (d) Conditional Uses.

- (13) ~~Reserved. [Billboards in existence prior to June 1, 1994 subject to the requirements of Section 19.66(b) of this Code.]~~

- (e) Interim Uses.

- (5) Billboards in existence in the Commercial Service (CS-0.5) District prior to June 1, 1994, subject to the requirements of Section 19.66(b) of this Code.

ARTICLE VI. BILLBOARDS

SEC. 19.66 . BILLBOARDS.

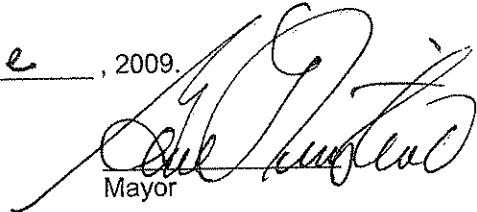
- (b) Billboards in the General Industrial, (I-3) Freeway Development (FD-2) and Commercial Service (CS-0.5 and CS-1) Districts –

- (8) The application for the [conditional] interim use permit must be signed by the owner of the property and show the proposed location, height, dimensions, location of other structures within 300 feet and the landscaping in the area of the proposed billboard;
- (9) No [conditional] interim use permit shall be granted for any proposed billboard if it is within 2,000 feet of any existing billboard within the City;
- (10) The [conditional] interim use permit may be revoked by the City Council if the billboard or the area where the billboard is erected is not maintained in accordance with the terms of the permit or this Code;

(12) No ~~[conditional]~~ interim use permit shall be granted for more than ~~[three]~~ five years ~~[-with a 60-day time limit for removal in the event the permit is not renewed];~~

(15) ~~[No conditional use permit may be granted if a variance is required]~~ If a variance is required, it must be obtained before an interim use permit may be granted;

Passed and adopted this 1st day of June, 2009.


Mayor

ATTEST:


Secretary to the Council

APPROVED:


City Attorney