

ORDINANCE NO. 393, 2nd Series

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA,
AMENDING CHAPTER 11, SECTION 11.43B INTERIM USES

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 11, Section 11.43B, of the City Code of the City of Ely, Minnesota is amended to read as follows:

SEC. 11.43B. INTERIM USES.

Subd. 1. Purpose. The purpose of an interim use permit is to allow a temporary use that is not designated as permitted or conditionally permitted, but is acceptable for a limited period of time subject to conditions set forth in this section. An "interim use" is defined as a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. An interim use is granted to a particular individual and does not accrue to the subject property.

Subd. 2. Application. Subject to the provisions of this chapter, all interim uses shall comply with the provisions of this section. This provision of the code shall not apply to special events, any temporary event 4 consecutive days or less, sponsored by or organized by one or more organizations, entities, or individuals, with the event held or to be held in full or in part:

- a. Outdoors on City-owned land, or a public right-of-way intended for the gathering or movement of people or vehicles, and the event is open to the general public; or
- b. Outdoors on City-owned land, a public right-of-way intended for the gathering or movement of people or vehicles, or privately-owned land, and the event is likely to impact vehicular or pedestrian traffic on a public right-of-way by increasing its hourly flow by at least 50 percent or otherwise impede the orderly, unobstructed, or free flow of vehicular or pedestrian traffic on any such right-of-way.

Such Special Events shall be regulated by Code Provision 6.43.

Subd. 3. Inspection. The city hereby reserves the right, upon approval of an interim use, to inspect the premises in which an interim use is being conducted to ensure compliance with the provisions of this section or any additional conditions imposed.

Subd. 4. Violations. After two nuisances or code violation complaints have been made and verified with written notice to the holder of the interim use permit, a public hearing may be called within 60 days of the last complaint to reconsider the interim use.

Subd. 5. Revocation. An interim use permit may be revoked if (i) the property is found to be in violation of the conditions listed in the interim use permit or (ii) if access to the property for the purpose of making an inspection is refused to the zoning administrator or their designee. The same process established for granting an interim use permit shall be followed when considering revocation of an interim use permit.

Subd. 6. Penalty. Violations of the interim use standards shall be subject to the enforcement and penalty provisions as contained in this chapter.

Subd. 7. Criteria for granting an interim use permit. In granting an interim use permit, the Planning Commission and City Council shall consider the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding properties. The Planning Commission and City Council shall consider and make findings regarding the following factors:

- A. The proposed use meets the applicable zoning regulations; and
- B. The proposed use will terminate upon a date or event that can be identified with certainty; and
- C. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- D. The proposed use will be subjected to, by agreement with the property owner, any conditions that the City Council deems appropriate for permission of the proposed interim use, including a condition that the owner will provide an appropriate surety to cover the cost of removing the interim use any interim structures upon the expiration of the interim use.

E. The proposed use must be consistent with and permitted under the applicable provisions and conditions listed in Section 11.40, *List of Permitted and Conditional Uses*, of this City Code.

Subd. 8. Termination. An interim use shall terminate upon the occurrence of any of the following events, whichever comes first:

- A. The date or event stated in the permit;
- B. The use has been discontinued for one year; or
- C. There is a change in ownership of the property for which the interim use permit was issued. If it is believed that a violation of the conditions of approval has occurred, the Planning Commission and City Council may take action to revoke the interim use permit through the public hearing process, including notification to the property owner of the city's intent to consider revocation of the permit.

Subd. 9. Conditions of approval. In permitting a new interim use permit or amending an existing interim use permit, the Planning Commission may recommend and the City Council may impose, in addition to the standards and requirements expressly specified by this section, additional conditions which the Planning Commission or City Council consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimension;
- B. Limiting the height, size or location of buildings;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the street width;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- H. Designation of open space;
- I. Annual review, if deemed appropriate by the city council.

Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the interim use permit shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. The zoning administrator or their designee shall maintain a record of all interim use permits including information on the use, location and conditions imposed by the city council, time limits, review dates, and such other information as may be appropriate.

Subd. 10. Procedure.

- A. Applications for interim use permits will not be accepted from anyone who is not the owner of the land for which the application is made, unless such land is public in nature.
- B. The person applying for an interim use permit shall fill out and submit to the Planning and Zoning Department an interim use permit application, appropriate supplementary information, and a filing fee as established by the city council.
- C. The Planning and Zoning Department staff shall refer the application to the Planning Commission for review and recommendation to the city council.
- D. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by Minn. Stat. § 462.357, subd. 3, as amended. The Planning Commission shall make a recommendation to the City Council to either approve or deny the request. The City Council shall take final action on the request.
- E. The petitioner or representative shall appear before the Planning Commission in order to present information concerning the requested interim use permit.
- F. If the Planning Commission recommends granting the proposed interim use permit, it may recommend conditions to the City Council that the commission considers necessary to protect the public health, safety and general welfare of

the surrounding area along with findings supporting the recommendation to approve. If the Planning Commission recommends denial of the proposed interim use permit, it shall recommend findings in support of the denial to the city council.


- G. An amended interim use permit application shall be administered in a manner similar to that required for an interim use permit. Requests for an amendment to an interim use permit shall include the requested changes related to the interim use and information in support of the requested changes.
- H. No application for an interim use permit shall be resubmitted for a period of six months from such order of denial.
- I. Where applicable, granted interim use permits shall become void if the applicant does not proceed substantially on the work within six months. To proceed substantially means to make visible improvements to the property. One or more extensions for not more than six months each may be granted by the City Council for good cause.

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely, Minnesota, the adoption of this Ordinance is effective immediately after final adoption and publication.

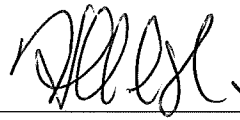
First Reading: December 2, 2025

Second Reading: December 16, 2025

Adopted this 16th day of December, 2025.



Mayor



City Clerk-Treasurer

Publication Date: December 6, 2025

Newspaper: Ely Echo

Public Hearing: December 16, 2025

