

Conditions for Ploetz Interim Use Permit as Recommended by the Planning Commission on February 11, 2013

Recommendation

Staff recommends approval of this Interim Use Permit subject to the following conditions:

- 1.** All expenses invoiced by the City shall be paid in full within thirty days of the date invoiced. Payment in full of the expenses is a condition precedent to the issuance of the IUP. If expenses are not paid in full, this IUP will not be placed into effect, and no additional licenses shall be issued.
- 2.** The Applicant is permitted to have a kennel consisting of not more than seven (7) Chihuahuas and one large dog. A license shall be obtained for each animal no later than fifteen (15) days following the issuance of the IUP. Once fifteen (15) days have passed following the issuance of the IUP, no new animals shall be permitted on the Applicant's property or issued licenses until such time as the total number of animals on the property does not require a kennel license under the city code and this IUP is terminated.
- 3.** Rabies vaccinations shall be kept current. Proof of current vaccination for each animal shall be provided to the City not later than 30 days following the date that the most recent Certificate of Rabies Vaccination shows as the date that the next rabies vaccination is due for that animal.
- 4.** The dogs shall be kept inside the home, except for periodic outdoor bathroom breaks.
- 5.** When the dogs are outside, they shall be kept within the portion of the backyard fenced by a six-foot privacy fence.
- 6.** All exterior lighting shall be so directed so as not to cast glare toward or onto the public right of way or neighboring residential uses or districts, and shall be in compliance with Article 20-37-00 (General Performance Standards) of the Zoning Ordinance, as amended from time to time.
- 7.** The use shall maintain compliance with all noise related ordinances of the City, including but not limited to Section 8.03 of the City Code pertaining to barking, Article 20-37-18 of the Zoning Ordinance pertaining to noise, and Section 8.15 of the City Code pertaining to noise, all as may be amended from time to time.
- 8.** The use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.
- 9.** This Interim Use Permit shall terminate upon the earlier of the following circumstances:
 - i. The transfer or sale of possession or title of the property.
 - ii. The death of Lynne Ploetz.
 - iii. The keeping of any pet that is unlicensed.
 - iv. The cessation of owner-occupancy of the property by Mr. and Mrs. Ploetz.
 - vi. Upon revocation following a hearing and findings by the City Council that a violation(s) of this IUP have occurred. The revocation shall follow the revocation hearing process as outlined in Article 20-15-06 of the Zoning Ordinance, as amended from time to time.
 - vii. Upon change in the Zoning Ordinance that renders the use non-conforming.
 - viii. The redevelopment of the use and property that is granted this Interim Use Permit.
- 10.** The City may review compliance with the conditions of this permit on an annual basis.
- 11.** The owner shall, upon reasonable advance notice, provide City staff and/or its agents with access to the property (including but not limited to, access to any portions of the interior of the

building in question) for inspection for compliance with this Interim use permit and other relevant codes.

12. This Interim use permit shall be delivered to the Applicant at the address on their application for this Interim Use Permit, either personally or by mail, first class postage prepaid. The Applicant shall acknowledge and agree to the terms of this Interim Use Permit in writing on the form provided by the City with the deliverance of the Interim Use Permit within ten business days of the date the Interim Use Permit is either mailed or personally delivered to the Applicant.