

ORDINANCE 2010-06

**CITY OF DUNDAS
STATE OF MINNESOTA**

*An Ordinance Amending the Zoning Ordinance of the
City of Dundas, Chapter 1500, for Regulating a Variance*

THE CITY COUNCIL OF THE CITY OF DUNDAS DOES HEREBY ORDAIN:

SECTION 1. Chapter 1500, Section 2 of the Dundas City Code “Definitions” is hereby amended to read as follows:

Variance - The procedure established to consider a modification or variation of the literal provisions of the zoning ordinance in instances where their strict enforcement would cause an undue hardship because of circumstances unique to the property under consideration, and when it is considered that such actions will be in keeping with the spirit and intent of City ordinances.

SECTION 2. Chapter 1500, Section 20, Subsection 4. Variances is hereby amended to read as follows:

Subsection 4. Variances

- (A) Establishment of Board Adjustment. The City Council is hereby established as the Board of Adjustment and vested with such authority as is provided by Minnesota Statutes. The findings and rulings of the Board of Adjustment shall be final.
- (B) Purpose. Request for variance from the literal provisions of this Ordinance, including variances in the Cannon Recreational River District, may be made in instances where strict enforcement would cause undue hardship to the property owner. No variance or modification of the uses permitted within a District shall be allowed, except as an official amendment to this ordinance. “Undue hardship” when used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the city’s official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

(C) In acting upon the request for a variance the City Council shall make the following findings of fact:

- (1) The proposed variance will not impair an adequate supply of light and air to adjacent property.
- (2) The proposed variance will not unreasonably increase the congestion in the public street.
- (3) The proposed variance will not alter the essential character of the locality, or in any other way be contrary to the intent of this Ordinance.
- (4) The applicant's property has unique physical characteristics that are not generally similar to other properties in the same zoning district.
- (5) The applicant will experience undue hardship, other than economic hardship, if the variance is not approved.

(D) Limitations:

- (1) A violation of any condition set forth in granting a variance shall be a violation of this ordinance and automatically make the variance null and void.
- (2) Unless within one (1) year from the date the variance is approved, a building permit has been issued, and the work as permitted by the variance has been substantially completed, then such variance shall be null and void.
- (3) A variance is valid only for the particular project for which it was granted.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL FOR THE CITY OF DUNDAS:

1. The Attached Summary of Ordinance 2010-06 is hereby approved for publication.
2. This Ordinance shall become effective immediately upon its passage and publication in accordance with law.

ADOPTED by the City of Dundas City Council, of Dundas, Minnesota, on this 9th day of August 2010.

CITY OF DUNDAS BY:

ATTESTED TO BY:

Glenn Switzer, Mayor

John McCarthy, City Administrator/Clerk

Ordinance 2010-06

____Switzer, ____Cruz, ____Pribyl, ____Ryan, ____Zander

Publication in *Northfield News* on: August 14, 2010

ATTACHMENT: Summary of Ordinance 2010-06

**SUMMARY OF
ORDINANCE 2010-06**

**CITY OF DUNDAS
STATE OF MINNESOTA**

*An Ordinance Amending the Zoning Ordinance of the
City of Dundas, Chapter 1500, for Regulating a Variance*

The following is the official summary of Ordinance 2010-06, which was approved and adopted by the Dundas City Council on August 9, 2010:

Chapter 1500 Zoning and Subdivision Ordinance, Section 2 of the Dundas City Code “Definition” has been amended, and Section 20, Subsection 4 “Variance” amended to allow request for variance from the literal provisions of this Ordinance, including variances in the Cannon Recreational River District, may be made in instances where strict enforcement would cause undue hardship to the property owner. No variance or modification of the uses permitted within a District shall be allowed, except as an official amendment to this ordinance. “Undue hardship” when used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the city’s official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

A copy of the entire Ordinance 2010-06 is available for inspection by any person during regular office hours at the Dundas City Hall, 216 Railway Street North, Dundas, Minnesota 55019; and is posted at the Dundas City website: www.cityofdundas.org.

ADOPTED BY THE DUNDAS CITY COUNCIL on the 9th day of August 2010.

Published by order:
John McCarthy, City Administrator/Clerk
in the *Northfield News* on August 14, 2010