

ORDINANCE 2011-03

**CITY OF DUNDAS
STATE OF MINNESOTA**

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

THE CITY COUNCIL OF THE CITY OF DUNDAS DOES ORDAIN:

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

Variance - The procedure established to consider a modification or variation from the requirements of the zoning ordinance including restrictions on nonconformities.

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

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 when the applicant establishes that there are practical difficulties in complying with the zoning ordinance. “Practical difficulties”, as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; 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 do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. A variance for a use that is not allowed under the zoning ordinance for property in the zone where the affected person’s land is located is not permitted.
- (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 is in harmony with the general purposes and intent of the ordinance and is consistent with the comprehensive plan.
- (4) The need for a variance is due to circumstances unique to the property and is not created by the landowner.
- (5) The applicant experiences practical difficulties, other than economic hardship alone, in complying with the existing zoning ordinance.
- (6) Conditions imposed in the granting of a variance are directly related to and bear a rough proportionality to the impact created by the variance.

(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.

SECTION 3. This Ordinance is effective immediately upon its passage and publication in accordance with law.

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

- 1. The Attached Summary of Ordinance 2011-03 is hereby approved for publication.

ADOPTED by the Dundas City Council, of Dundas, Minnesota, on this 24 day of October, 2011.

CITY OF DUNDAS BY:

ATTESTED TO BY:

Glenn Switzer, Mayor

John McCarthy, City Administrator/Clerk

Ordinance 2011-03

_____Switzer, _____Pribyl, _____Ryan, _____Carroll, _____Modory

Publication in *Northfield News* on: October 29, 2011

ATTACHMENT: Summary of Ordinance 2011-03

SUMMARY OF
ORDINANCE 2011-03

*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 2010-03, which was approved and adopted by the Dundas City Council on October 24, 2011:

Chapter 1500 Zoning and Subdivision Ordinance, Section 2 of the Dundas City Code “Definition” of “Variance” has been amended, and Section 20, Subsection 4 “Variance” has been amended to provide that application for variance from the literal provisions of the zoning ordinance may be made when the applicant establishes that there are practical difficulties in complying with the zoning ordinance. Additional conditions may be imposed and other limitations apply to the grant of a variance.

A copy of the entire Ordinance 2011-03 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 24th day of October 2011.

Published by order:
John McCarthy, City Administrator/Clerk
in the *Northfield News* on October 29, 2011