LAND USE REGULATION

SECTION 1. PERMITS. No person may erect any structure of any kind, (or add to the outside dimensions of any structure already erected), or relocate any structure or building by moving it from any point outside the City into the City, moving it from within the City to any point outside the City or moving it from one location to within the City to another location within the City, without first procuring from the City Clerk or Treasurer a permit to do so, approved by the Council, before such work or relocation is commenced. Prior to the issuance of a permit, the applicant, if so required by the Council, shall provide the City with a certification from a structural pest control applicator licensed by the State of Minnesota certifying that the building or structure is free from termites.

SECTION 2. APPLICATION FOR PERMIT. Any person desiring to erect, alter, or relocate any structure within the City, shall make application therefor on a form to be provided by the City and file the same in the office of the City Clerk or Treasurer. Said application shall state the nature of such structure or building (and if already constructed, the nature and extent of the contemplated outside dimension changes), the purpose or purposes for which the same is to be used or occupied, and shall be accompanied by a sketch showing the number of the lot and block on which said structure is, or is to be located, the correct dimensions of said lot and the name or names of the owners thereof, the correct dimensions of said structure to be erected or relocated, (and if already erected and located the correct dimensions thereof with the proposed outside changes added), and the correct position on said lot with respect to the front, sides and rear lot lines where said structure is, or is to be located.

SECTION 3. FEE FOR PERMIT. Fees for such permits shall be determined by the Council and fixed by its resolution, a copy of which shall be in the office of the City Clerk or Treasurer and uniformly enforced. The fee shall accompany said application and in the event the said permit is not granted, such fee shall be refunded.

SECTION 4. YARD AND SETBACK REQUIREMENTS. It is required that new residences be set back twenty-five (25) feet from the front line of said lot, to the structure, less overhang, and each residence shall have two side yards, each being not less than five (5) feet in width, and subject to approved drainage.

SECTION 5. VARIANCES.

Subd. 1. Authorization. The Council may authorize a variance where the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Section, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece in question, the literal enforcement of the requirements of this Section would involve unnecessary hardship and not mere inconvenience.

Subd. 2. Procedure.

A. Application for any variance permissible under this Section shall be made to the Council in the form of a written application. All applications shall be accompanied by a list of the names and addresses of the owners of the lands abutting directly on the property described in the application.

B. Upon receipt of such application and list, and at least ten days prior to the regular meeting of the Council, a notice of planned hearing shall be published once in the official newspaper and copy of said notice shall be mailed to each of the owners referred to in said list. The City Clerk or Treasurer shall cause such notices to be published and mailed.

C. An open hearing on said variance requests shall be part of the next scheduled meeting of the Council. The Council shall, in a timely manner, issue its decision following the hearing.

D. In deciding on any adjustment or variance under the provisions of this Section, the Council shall designate such conditions in connection therewith as will, in its opinion, secure the requirements of Subdivision 3 of this Section. The Council shall put its decision in writing stating pertinent facts and findings, and shall specifically and fully set forth any adjustment or variance granted, and conditions designated.

Subd. 3. Conditions. No variance from the terms of this Section shall be authorized unless all of the following facts and conditions exist:

A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties of classes of uses in the same zoning district.

B. That the alleged difficulty or hardship has not resulted from the actions of the applicant.

C. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

D. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Section or the public interest.

SECTION 6. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

according to the plans and specifications approved by the Council or has been supervised or inspected by the City when such improvements have not been so constructed, supervised or inspected.

(Sections 10.06 through 10.98, inclusive, reserved for future expansion.)

SECTION 10.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.