

CITY CODE, CHAPTER 12, AMENDMENT

The City Council of the City of Silver Bay ordains that Chapter 12 Zoning, Section 1250.05 Criteria for Decisions, is hereby repealed and re-adopted as follows:

**1250.05 Criteria for Decisions. When considering whether or not to grant a variance, the Commission shall use the following criteria:**

**A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance in question and consistent with the City's Comprehensive Plan.**

**B. Variances may be granted when the applicant for the variance 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: (1) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (3) 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, access to direct sunlight for solar energy systems.**

**C. When in the opinion of the Commission a variance may result in a material adverse effect on the environment, the applicant may be required by the Commission to demonstrate how the adverse impact can be minimized.**

**D. It shall be the burden of the applicant to demonstrate sufficient practical difficulties to sustain the need for a variance. Absent a showing of practical difficulties as provided in Minnesota Statutes and this Section, the Commission shall not approve any variance.**

**E. The Commission may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.**

**F. The Commission shall always act with due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of land, conserving property value, and shall permit no structure, building, or use detrimental to a neighborhood.**

**G. The Commission may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.**

Adopted by the Council of the City of Silver Bay this 17<sup>th</sup> day of October, 2011.

ATTEST:

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Scott Johnson, Mayor

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Lana Fralich, City Administrator