

City of Lowry
Ordinance No. 104
Building Use Permits

An ordinance for the purpose of promoting health, safety, order, convenience and general welfare by regulating the use of land, the location and use of buildings and the arrangement of buildings on lots, and the density of population in the City of Lowry, Pope County, Minnesota. An ordinance repealing Ordinance numbers 13, 63, 92 and 95.

The City Council of the City of Lowry does ordain as follows:

1. Permit Required

No person, or other legal entity, shall erect, alter or move any portable storage container, soft sided, plastic, metal or wood construction building or part thereof to be used for residential, recreational, commercial or industrial purposes upon a lot without first securing a building/use permit.

2. Application

The application for a permit shall be made to the City Council with information on owner, address for the construction project and type of construction planned. Each applicant shall provide a plan drawn to scale showing the dimensions of the lot to be built upon, location of the utilities, size and location of the building and/or accessory buildings to be erected and any other information necessary to enable the City Council to determine compliance with this ordinance. If the structure is prebuilt then the manufactures specs must accompany the application.

3. Fees

Each application shall be accompanied by a fee payable to the City of Lowry in accordance with the following:

A. Newly constructed homes shall be based on the square footage of the main floor as follows:

- | | |
|-----------------------------|----------|
| 1. 0 to 1000 square feet | \$100.00 |
| 2. 1001 to 1500 square feet | \$150.00 |
| 3. 1501 to 2000 square feet | \$200.00 |

B. Other out buildings, closed structures or additions will be based on square footage as follows:

- | | |
|-----------------------------|----------|
| 1. 30 to 120 square feet | \$ 25.00 |
| 2. 121 to 750 square feet | \$ 50.00 |
| 3. 751 to 1500 square feet | \$ 75.00 |
| 4. 1501 to 5000 square feet | \$100.00 |

In the case the application is denied, the fee shall be returned to the applicant. The City Clerk shall issue the permit, only after the City Council has determined that the building plans are in accordance with the terms of this ordinance.

4. After the Fact Permit Fee

If work is performed which requires a permit, but the permit is not obtained until after the work has begun, the fees for such after-the-fact permits shall be two (2) times the regular permit fee. The construction must stop immediately unless and until the building permit is approved. If any changes are subsequently required by the terms of the permit, all changes will be made at the applicant's expense.

5. Structure dimensions

A. Any structure placed on a lot to be used for residential permanent housing shall have a floor space area of not less than 1008 square feet and be not less that 28 feet in width and 36 feet in length, these dimensions to be exclusive of open and screened or paneled porches, patios and entryways, and be so situated that no portion of the structure as well as accessory structures shall fail to comply with distances and leave the required yard as open space.

B. That lots used for residential purposes shall have the structure placed so as to be not less than six feet from the side lines of the lot and not less than 30 feet from any public highway or street.

6. New Construction

A. The City of Lowry requires that all buildings or properties used for human occupancy, employment, recreation or other purposes within the city limits be connected to the municipal water supply and to the municipal sanitary sewer.

B. Whenever there is an existing lot or a newly formed lot for the purposes of construction of a building having water and sewer services, the owner of this property will bear the cost of hooking the property to an existing water main by putting in the new curb stop as directed by the city. This property owner will also bear the cost of hooking into the city sanitary sewer.

7. Duration of Permit

All building permits shall be void unless a substantial start is made in construction or in the use of the property within one (1) year of the date of the permit. Construction authorized by a permit and which is not completed within two (2) years of the effective date of the permit shall not continue until another permit is obtained.

8. Restrictions

- A. No filling station, public garage, or gasoline distributing station shall be located within 300 feet of a school, church, hospital, or public meeting place having a seating capacity of more than 50 persons.
- B. No junk yard, nor car wrecking business shall be located and carried on except it be governed by all special requirements specified in the permit so as to insure safe and sanitary conditions along with varmint and fire control so as to be compatible with other establishments both commercial and industrial within the surrounding area.
- C. No trailer house, whether left or removed from it's chassis shall be used for residential homes within the City of Lowry unless already located on a lot. Those trailers may be removed and replaced with the permission of the City Council but current empty lots will not be used for this type of home.

9. Adjustments

- A. The City Council shall have the power to consider adjustments in and exceptions to any of the provisions of this ordinance to modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application. The Council can also consider an exception to permit public utility or public service uses, or public buildings to be located in an area when found to be necessary for the public health, safety, convenience or welfare.
- B. Before making its decision for any adjustment or exception, the Council shall hold a public hearing and after make a decision. If the application is denied, no further action shall be taken upon it. If the Council believes there is benefit to the exception then they shall by resolution grant the application based on the evidence of
 - 1. That there are special circumstances or conditions affecting the land or building referred to,
 - 2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights
 - 3. That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

10. Enforcement

The City Council shall enforce this ordinance through the proper legal channels. Failure to comply with the building use permit ordinance shall mean guilty of a misdemeanor and punished by a fine not to exceed \$1,000.00 or imprisonment not to exceed ninety (90) days for each offense. Each day shall constitute a separate offense.

All ordinance of this City or any provisions in conflict with this ordinance are hereby repealed. This ordinance shall be effective upon its passage and publication summary of its contents according to law.

Adopted by the City Council this 3rd day of July, 2012.

Daniel Sutton, Mayor

ATTEST: Lucy Olson, City Clerk