

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 458.192 WATER TRANSPORTATION FACILITIES; PORT AUTHORITIES

[For text of subd 13, see M.S.1978]

[ 1979 c 322 s 11 ]

### CHAPTER 458A. ST. CLOUD METROPOLITAN TRANSIT COMMISSION

Sec. 458A.03	Commission; organization and operation.	Sec. 458A.06	Special provisions.
-----------------	---	-----------------	---------------------

#### 458A.03 Commission; organization and operation.

[For text of subd 1, see M.S.1978]

Subd. 2. **Rules and regulations.** The commission may prescribe and promulgate rules and regulations as it deems necessary or expedient in furtherance of the purposes of sections 458A.01 to 458A.15 upon like procedure and with like force and effect as provided for state agencies by sections 15.0411 to 15.0422.

[For text of subds 3 to 9, see M.S.1978]

[ 1979 c 50 s 57 ]

#### 458A.06 Special provisions.

Subdivision 1. **Condemnation of public property or property of public service corporations.** The commission may exercise the right of eminent domain as provided by chapter 117 for the purpose of acquiring any land, waters, easements, or other rights or interests therein which it is herein authorized to acquire by condemnation. The fact that any such property is owned by or is in charge of a public agency or a public service corporation organized for a purpose specified in section 300.03, or is already devoted to a public use or to use by such a corporation or was acquired therefor by condemnation shall not prevent its acquisition by the commission by condemnation; provided, that in the case of such property in actual public use or in actual use by such a corporation for any purpose of interest or benefit to the public, the taking thereof by the commission by condemnation shall not be authorized unless the court shall find and determine that there is greater public necessity for the proposed use by the commission than for the existing use thereof. Except in case of property in actual public use or in actual use by such a public service corporation for a purpose of interest or benefit to the public, the commission may take possession of any property for which condemnation proceedings have been commenced at any time after the filing of the petition describing the property in the proceedings.

[For text of subds 2 and 3, see M.S.1978]

Subd. 4. **Proceedings for changes before public service commission.** If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or changes with the secretary of the public service commission and serve copies thereof on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving such a petition, the public service commission shall set a hearing thereon at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the public service commission an answer stating the grounds of such opposition and serve a copy thereof on the secretary of the transit commission. If no such answers are so filed and serviced within such 30 day period, the public service commission shall, upon finding that the change proposed in the petition is in the public interest, order such change. If any answer opposing the petition is received by the public service commission within such 30 day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and regulations. An

# MINNESOTA STATUTES 1979 SUPPLEMENT

## HOUSING, REDEVELOPMENT, PLANNING, ZONING 462.357

appeal from the action of the public service commission in any such matter may be taken as provided by sections 216.24 and 216.25.

[For text of subs 5 to 11, see M.S.1978]

[ 1979 c 50 s 58,59 ]

### CHAPTER 462. HOUSING, REDEVELOPMENT, PLANNING, ZONING

Sec. 462.357	Procedure for plan effectuation; zoning.	Sec. 462.581	Municipality, powers as to projects.
462.425	Municipal housing and redevelopment authority.	462.585	Agreements respecting tax increments and equivalents; pledge for bonds.
462.445	Powers, duties.		
462.545	Public redevelopment cost; proceeds; financing.		

#### 462.357 Procedure for plan effectuation; zoning.

Subdivision 1. **Authority for zoning.** For the purpose of promoting the public health, safety, morals and general welfare, a municipality may by ordinance regulate the location, height, bulk, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, as defined in section 105.485, access to direct sunlight for solar energy systems as defined in section 116H.02, flood control or other purposes, and may establish standards and procedures regulating such uses. No regulation may prohibit earth sheltered construction as defined in section 116H.02, subdivision 3, that complies with all other zoning ordinances promulgated pursuant to this section. The regulations may divide the municipality into districts or zones of suitable numbers, shape and area. The regulations shall be uniform for each class or kind of buildings, structures or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the zoning ordinance and shall consist of text and maps. A city may by ordinance extend the application of its zoning regulations to unincorporated territory located within two miles of its limits in any direction, but not in a county or town which has adopted zoning regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the zoning of land on its side of a line equidistant between the two noncontiguous municipalities unless a town or county in the affected area has adopted zoning regulations. Any city may thereafter enforce such regulations in the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

[For text of subs 2 to 5, see M.S.1978]

Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. Undue hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 116H.02, subdivision 3, when in harmony