

## CHAPTER 1 - TITLE AND APPLICATION

### SECTION:

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### **1.01: TITLE AND APPLICATION.**

- A. Title: This title shall be known as the Osakis Zoning Ordinance, except as referred to herein, where it shall be known as “this Ordinance”.
- B. Intent and Purpose: The intent of this Ordinance is to protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations in regard to location, erection, construction, alteration and use of structures and land. This Zoning Ordinance carries out the policies of the Osakis Comprehensive Plan by classifying and regulating the uses of land and structures within the City of Osakis. More specifically, it is the purpose of this Zoning Ordinance to:
  - 1. Guide the orderly growth and (re)development of the city, promote high quality urban design, and regulate land uses and the location and use of structures for residential, commercial, and other purposes consistent with the goals and policies of the Comprehensive Plan;
  - 2. Assist in providing a physical environment that provides for the housing, employment, business, service, recreational, social, cultural, educational and entertainment needs of the City and maintains and enhances a high quality of life for its residents;
  - 3. Provide a diversity of areas characterized by differing land use activities, scale and intensity, while maintaining neighborhood and community identity, and quality development;
  - 4. Respect the City’s environmental setting and constraints, and meet the needs of the City for adequate public services and infrastructure;
  - 5. Ensure the maintenance of property within the City by requiring each owner, occupant, or other person in charge of any property to keep it in good repair and in compliance with the provisions of this Ordinance;
  - 6. Maintain and enhance the City of Osakis’s small town character with a unique, distinctive and secure environment for the City’s residents and businesses; and
  - 7. Maintain a balance between residential and non-residential land uses and ensure compatibility of different land uses;
  - 8. To provide adequate light, air and convenience of access to property
  - 9. To prevent congestion in the public right-of-way and to prevent overcrowding of land and undue concentration of structures by regulating land, building, yards and density of population;
  - 10. To provide for administration of this Ordinance and to provide for amendments, prescribe penalties for violation of such regulations; and

11. To define powers and duties of the City staff, the Board of Adjustment and Appeals, and the City Council in relation to this Ordinance.

C. Relation to Comprehensive Plan: It is the policy of the City that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Osakis Comprehensive Plan as developed and amended from time to time by the City. The City recognizes the City Comprehensive Plan as the policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

**1.02: STANDARD REQUIREMENTS.**

- A. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the City, the Ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirements shall prevail.
- B. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
- C. All references within this development ordinance to other city, county, state, and federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement of county, state, or federal regulations. Furthermore, all references to other city, county, state, and federal regulations within this ordinance are intended to refer to the most current version and citation for those regulations. If such references are invalid due to repeal or renumbering, the new regulations intended to replace those cited, regardless of the citation, shall govern unless otherwise specified.
- D. No structure shall be erected, converted, enlarged, reconstructed, altered or moved, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.
- E. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.
- F. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance (October 30, 2007) shall meet at least the minimum requirements established by this Ordinance.
- G. In their application, these regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.
- H. No error in a resolution approving a permit, or an omission of a requirement of this Zoning Ordinance from a resolution or other approval, shall affect the applicant's obligation to comply with all applicable provisions of this Zoning Ordinance.

**1.03: PRIOR CONDITIONAL USES.**

Any established use or building legally existing prior to the effective date of this Ordinance (October 30, 2007) and which is now classified as a conditional use may be continued in like fashion and activity and shall automatically be considered as having received conditional use permit approval. Any change to such a use, or any other subsequently approved conditional use shall, however, require a new conditional use permit be processed according to this Ordinance.

**1.04: USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS.**

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the City Council, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council or property owner, upon receipt of the Planning Commission study shall, if appropriate, initiate an amendment to this Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

**1.05: SEPARABILITY.**

It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

