

SECTION 1

TITLE AND APPLICATION

Section

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20-1-1: **SHORT TITLE:** This Chapter shall be known and may be cited as the Zoning Ordinance of the City of Otsego.

20-1-2: **CHAPTER PURPOSE.** This is a regulation for the purpose of promoting and protecting the public health, safety and general welfare, by regulating the location, 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 use of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, flood control and other purposes and establishing standards and procedures regulating such uses.

20-1-3: **RELATION TO COMPREHENSIVE MUNICIPAL PLAN:** It is the policy of the City of Otsego that the enforcement, amendment, and administration of this Chapter be accomplished with due consideration Of the recommendations contained in the City Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council of the City. The City Council recognizes the City Comprehensive Plan as the policy for guiding land use and development in accordance with the policies and purpose herein set forth.

20-1-4: **STANDARD REQUIREMENTS:**

- A. More Restrictive Provisions to Govern: Where the conditions imposed by any provisions of this Chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute,

resolution or regulation, the regulations which are more restrictive or imposed higher standards or requirements shall prevail.

- B. Minimum Requirements: The standards set forth in this Chapter are minimum requirements. The City may impose additional or more stringent zoning requirements as deemed appropriate to promote and protect the public health, safety and general welfare of the community.
- C. Conformity with this Chapter: No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved or altered, and no building, structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Chapter and without a building permit being issued when required by the City Code.
- D. Building Occupancy: 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 Chapter.
- E. Non-reduction of Yards or Lots: No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.
- F. Regulation Application: 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 Chapter are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Chapter shall be controlling.

20-1-5: **USES NOT PROVIDED WITHIN ZONING DISTRICTS:** Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the City Council or the Planning Commission, on their own initiative or upon application by a property owner, 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, Planning Commission, or property owner, upon receipt of the staff study shall, if appropriate, initiate an amendment to this Chapter to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

⁷²20-1-6: **CONDITIONAL AND INTERIM USES:** Any established use or building legally existing prior to the establishment of this Chapter and which is now classified as a conditional or interim use may be continued in like fashion and activity and

shall automatically be considered as having received conditional or interim use permit approval. Any change to such a use, or any other subsequently approved conditional or interim use, shall, however, require a new conditional or interim use permit be processed according to this Chapter.

20-1-7: **SEPARABILITY:** It is hereby declared to be the intention of the City that the several provisions of this Chapter are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter 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.

20-1-8: **SCHEDULES OF ADMINISTRATIVE FEES, CHARGES AND EXPENSES:**

- A. Fees and charges, as well as expenses incurred by the City for engineering, planning, attorney, and other services related to the processing of applications shall be established by resolution of the Council and collected by the Zoning Administrator for deposit in the City's accounts. Fees shall be established for building permits, conditional use permits, zoning amendments, variances, planned unit developments, appeals, issuance of a certificate of occupancy, building relocations, home occupations, day care nursery facilities, land filling operations, land excavation/grading, essential services, wind energy systems, communication devices, review of site/building plans, parking plans, loading plans, and such other land use related procedures as the Council may from time to time establish. The Council may also establish charges for public hearings, special meetings, or other such Council or Planning Commission actions as are necessary to process applications.
- B. Such fees, charges and estimated expenses (as well as a deposit, if so required by the Zoning Administrator) shall be collected prior to City action on any application. All such applications shall be accompanied by a written statement between the City and the applicant/landowner (when the applicant is not the same person or entity as the landowner, both the landowner and the applicant must sign the agreement) whereby the applicant/landowner agrees to pay all applicable fees, charges and expenses as set by Council resolution as provided above, and which allows the City to assess the above fees, charges and expenses against the landowner if such monies are not paid within thirty (30) days after a bill is sent to the applicant/landowner.

¹² C. These fees shall be in addition to building permit fees, inspection fees, trunk storm water facility costs, subdivision fees, charges, expenses and other such

fees, charges and expenses currently required by the City or which may be established in the future.

20-1-9: **AUTHORITY:** This Chapter is enacted pursuant to the authority granted by the Municipal Planning act, Minnesota Statutes, Section 462.351 to 462.363.