

AN ORDINANCE ADOPTING ORDINANCE NO. 445
ZONING ORDINANCE FOR THE CITY OF ISANTI, MINNESOTA

THE CITY OF ISANTI DOES ORDAIN:

AN ORDINANCE FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, ORDER, CONVENIENCE, PROSPERITY AND GENERAL WELFARE BY REGULATING THE USE OF LAND, THE LOCATION, AREA, SIZE, AND HEIGHT OF BUILDINGS ON LOTS, THE DENSITY OF THE POPULATION, AND BY PRESERVING THE RESOURCES WITHIN THE CITY OF ISANTI, MINNESOTA; PURSUANT TO THE AUTHORITY GRANTED BY MINNESOTA STATUTES SECTION 462.357 AS AMENDED.

SECTION 1: TITLE AND APPLICATION

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Subdivision 1: Title

This Ordinance shall be known as the City of Isanti, Zoning Ordinance and may be so cited and further referenced elsewhere as the "Isanti Zoning Ordinance", and herein as "this Code", "this Title", or as "this Ordinance", shall imply the same wording or meaning as the full Ordinance.

Subdivision 2: Intent and Purpose

The intent of this Ordinance is to protect the public health, safety, and general welfare of the City of Isanti and its people through the establishment of minimum regulations governing land development and use. This Ordinance shall divide the City into use districts and establish regulations in regards to location, construction, reconstruction, alteration, and use of land and structures. Such regulations are established to provide adequate light, air, and convenience of access to property; to prevent congestion in the public right-of-way; to prevent the overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population; to provide for compatibility of different land uses; to provide for administration of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City Council and the Planning Commission, in relation to the Zoning Ordinance.

Subdivision 3: Relation to Comprehensive Plan

It is the policy of the City of Isanti that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained within the City of Isanti Comprehensive

Plan as the policy is responsible for the regulation of land use and development in accordance with the policies set forth within this Ordinance.

Subdivision 4: Standard Requirements

Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by another ordinance, rule, or regulation of the City; the ordinance, rule, or regulation that imposes the more restrictive condition will prevail. In the event of any conflict between this Ordinance and any private restrictions, protections, and covenants, the provisions of this Ordinance shall apply.

Subdivision 5: Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held as the minimum requirements for the promotion of the public health, safety, and welfare.

Subdivision 6: Conformity with Provisions

No structure shall be constructed, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose or in any manner that does not conform to the requirements of this Ordinance.

Subdivision 7: Building Permits

No building, structure, or premises shall hereafter be used or occupied and no building permit shall be granted for a building, structure, or premise that does not conform to the requirements of this Ordinance.

Subdivision 8: Conditional Uses, Interim Uses or Variances

Nothing within this Ordinance shall be construed so as to deny any property owner his or her right to apply for a Conditional Use Permit, Interim Use Permit or a Variance.

Subdivision 9: Uses Not Provided for Within Zoning Districts

Whenever in any zoning district, a use is neither specifically permitted or denied, the use shall be considered prohibited. It is recognized; however, that in the development of the Zoning Ordinance that (1) not all uses of land and/or water can be listed, nor can all future uses be anticipated; (2) a "use" may have been inadvertently omitted from the list of those specified as permitted, conditional, or interim in each of the various districts designated; or (3) ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of the Ordinance.

Therefore, the phrase "plus such other uses deemed to be similar and not more obnoxious or detrimental to the public health, safety, and welfare" shall be unmentioned, but included in the respective lists of "permitted uses", "conditional uses", or "interim uses" in each district. In such cases the Planning Commission or City Council, on their own initiative or upon request by the Zoning Administrator, 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 the conditions and standards relating to the development of such a use be included. The City Council, Planning Commission, or property owner shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

Subdivision 10: Separability

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

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

Subdivision 11: Language Rules

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction.

- A. The singular number includes the plural, and the plural number includes the singular.

- B. The present tense includes the past and the future tenses, the future tense includes the past and present tenses, and the past tense includes the present and future tenses.
- C. The word “shall” is mandatory, while the word “may” is permissive.
- D. The masculine gender includes the feminine gender and neuter.

Subdivision 12: Cost Recovery

It is the intent of the City of Isanti to recover all expenses incurred in the review and approval process of all development within the City. The property owner or person making the application shall reimburse the City for all costs incurred, above and beyond the application fee; including but not limited to, engineering, legal, and financial advising; incurred by the City in connection with all matters relating to the proposed application and enforcement of performance standards. Such reimbursement shall be made within thirty (30) days of the date of mailing of the City's notice of costs to the applicant. Failure of the applicant to pay reimbursement costs shall result in the delay of processing a request or application, until such payment has been received.