

# Chapter 25

## ZONING

### ARTICLE 1. PURPOSE AND SCOPE.

#### **Sec. 25-1 Title.**

This Ordinance shall be known as the "Oakdale Zoning Ordinance" except as referred to herein, where it shall be known as "this Ordinance".

#### **Sec. 25-2 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 governing development and use. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to protect such areas; to promote orderly development and redevelopment; to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent 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 Staff, Planning Commission and the City Council in relation to the Zoning Ordinance.

#### **Sec. 25-3 Relation to Comprehensive Plan.**

It is the policy of the City of Oakdale that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendation contained in the Comprehensive City Plan as developed and amended from time to time by the Planning Commission and City Council.

#### **Sec. 25-4 Standard Requirements.**

- (a) 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 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 be the minimum requirements for the promotion of the public health, safety and welfare.
- (c) No structure shall be erected, converted, enlarged, reconstructed or altered, 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.
- (d) Except as allowed by the Oakdale City Council, no building permit shall be granted that does not conform to the requirements of this Ordinance.

**Sec. 25-5 Uses Not Provided for Within Zoning Districts.**

Whenever a use is not specifically permitted in any zoning district, the use shall be considered prohibited. In such case the City Council or the Planning Commission, on their own initiative or upon request, may direct the Community Development Director to conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate as well as what conditions and standards should be imposed relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the Community Development Director's study may, 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.

**Sec 25-6 Authority.**

This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 to 462.363.

**Sec. 25-7 Separability.**

It is hereby declared to be the intention of the City of Oakdale that the 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.