

# CITY OF AVON ZONING ORDINANCE

AN ORDINANCE REPEALING ALL ORDINANCES PREVIOUSLY IN EFFECT PERTAINING TO THE REGULATION OF LAND USES WITHIN THE CITY, AND REPLACING IT WITH SECTION \_\_\_\_\_ ASSIGNING RULES AND REGULATIONS FOR LAND USES, DEFINING CERTAIN TERMS, ESTABLISHING PROCEDURES FOR THE APPROVAL AND RECORDING OF LAND USES, ESTABLISHING LAND USE DISTRICTS AND AN OFFICIAL MAP, PROVIDING FOR AMENDMENTS OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR VIOLATIONS

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON:

## **CHAPTER 1      TITLE AND APPLICATION.**

### ***Subd. 1.            Title.***

This Ordinance shall be known as the "Avon Zoning Ordinance" except as referred to herein, where it shall be known as "this Ordinance" and shall supersede any previous Ordinance specifically pertaining to the regulation of land uses/zoning within the City.

### ***Subd. 2.            Intent and Purpose.***

The intent of this Ordinance is to protect the public health, safety, and general welfare of the City of Avon 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 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 for violation of such regulations; and to define powers and duties of the City Staff, the Planning Commission, and the City Council in relation to the Zoning Ordinance.

### ***Subd. 3.            Short Title.***

This ordinance shall be known and may be cited as the "Avon Zoning Ordinance".

### ***Subd. 4.            Standard, Requirement.***

Where the conditions imposed by any provisions 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.

### ***Subd. 5.            Relation to Comprehensive Plan.***

It is the policy of the City of Avon that enforcement, amendment and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan as the policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

**Subd. 6. Application.**

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.

**Subd. 7. Conformity.**

No structure shall be erected, converted, enlarged, moved, relocated, or used for any purpose which is not in conformity with the provisions of this Ordinance.

**Subd. 8. Permit Issuance.**

Except as herein provided, no building, structure, or premises shall hereafter be used, moved, relocated, or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

**Subd. 9. 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 or the Planning Commission, 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, 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.

**Subd. 10. Separability.**

It is hereby declared to be the intention of the City that Every Chapter, provision or part of this Ordinance or any permit issued pursuant to this Ordinance, is declared separable from every other Chapter, provision or part thereof to the extent that:

- A. If any court of competent jurisdiction shall adjudge any Chapter, provision or part of this Ordinance or any permit issued pursuant to this Ordinance to be invalid, such judgment shall not affect any other Chapter, provision or part of this Ordinance or any permit issued pursuant to 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.

**Subd. 11. Supremacy.**

When any condition imposed by any provision of this Ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other City ordinance or regulation, the more restrictive conditions shall prevail.

This Ordinance is not intended to abrogate any easements, restrictions, covenants, relating to the use of land or imposed on lands within the city by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction or covenant or the provision of any private agreement, the provisions of this Ordinance shall prevail.

**Subd. 12. 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 the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.