

**CHAPTER 10  
ZONING, SUBDIVISION AND LAND USE**

**SECTIONS 1001 TO 1029  
ZONING CODE**

**SECTION 1001 – TITLE AND APPLICATION**

**1001.01**      **TITLE.** This Ordinance shall be known as the “Tonka Bay Zoning Ordinance” except as referred to herein, where it shall be known as “this Ordinance”.

**1001.02**      **PURPOSE.** This is an ordinance 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, forestry, soil conservation, water supply conservation, conservation of shorelands, flood control and other purposes and establishing standards and procedures regulating such uses.

**1001.03**      **INTENT.** To protect the public, such provisions are intended to provide for adequate light and air, safety from fire and other danger; prevent undue concentration of population; provide ample parking facilities; regulate the location and operation of businesses, industries, dwelling and buildings for other specified purposes; preserve property values by providing for orderly and compatible development of the various land uses; encourage energy conservation and the use of renewable energy resources; provide for administration of this Ordinance and all amendments hereto.

**1001.04**      **RELATION TO COMPREHENSIVE MUNICIPAL PLAN.** It is the policy of the City of Tonka Bay that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Comprehensive Municipal Plan as developed and amended from time to time by the City Council of the City. The Council recognizes the Comprehensive Municipal Plan as the policy responsible for regulation of land use and development in accordance with the policies and purpose herein set forth.

**1001.05**      **STANDARD REQUIREMENTS.**

Subd. 1      **More Restrictive Provisions to Govern.** Where the conditions imposed by any provisions of this Ordinance 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 impose higher standards or requirements shall prevail.

Subd. 2. Interpretation. 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 general welfare.

Subd. 3. Conformity with this Ordinance. 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 Ordinance and without a building permit being issued when required by this Ordinance.

Subd. 4. 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 Ordinance.

Subd. 5. Non-Reduction of Yards or Lots. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Subd. 6. 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 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.

**1001.06** CONDITIONAL USES. Any established use or building legally existing prior to the establishment of this Ordinance and which is now classified as a conditional use may be continued in like fashion and activity and shall be 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, requires a new conditional use permit be processed according to this Ordinance.

**1001.07** MONUMENTS. For the purpose of this Ordinance, all international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to insure that these markers are maintained in good condition during and following construction and development. All section, one-quarter section and one-sixteenth section corners shall be duly described and tied.

**1001.08** USES NOT PROVIDED WITHIN ZONING DISTRICT. Whenever in any zoning district a use is neither specifically allowed nor denied, the use shall be considered prohibited. In such cases 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 staff study, shall, if appropriate, initiate an amendment to this Ordinance to provide for the

particular use under consideration or shall find that the use is not compatible for development within the City.

**1001.09      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:

Subd. 1.      Separability. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.

Subd. 2.      Limitation of Application. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular property, building, or other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement.

**1001.10      SCHEDULES OF ADMINISTRATIVE FEES, CHARGES AND EXPENSES.**  
The Council shall establish a schedule of fees, charges and expenses and a collection procedure for this Ordinance. The schedule of fees shall be posted as appropriate and may be altered or amended only by the Council. Any ordinance adopted by the Council which establishes fees shall not be made part of this Code but shall remain in full force and effect until amended or repealed. (August 2, 2007)

**1001.11      AUTHORITY.** This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.363.

**1001.12      COMPREHENSIVE REVISION.** This Council intends this Ordinance to be a comprehensive revision to Chapter 10 of the City Code, Sections 1001 to 1029, and all other ordinances inconsistent with this Ordinance, as amended. Any act done, offense committed, or rights accruing or accrued, or liability, penalty incurred or imposed prior to the effective date of this Ordinance is not affected by its enactment.