

# Article 1. Title, Purpose and Intent

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## 1.1 TITLE

This Land Development Code of the City of St. Cloud is known as the “Land Development Code” of the City of St. Cloud, Minnesota, and is known, cited and referred to herein as this “Code.”

## 1.2 PURPOSE AND INTENT

This Code is enacted for the following purposes:

- A. To promote the general public health, safety, morals, comfort and general welfare of the inhabitants of the City of St. Cloud, Minnesota.
- B. To divide the City into districts as to the use, location, construction, reconstruction, alteration and use of land and structures for residential, commercial and industrial purposes.
- C. To prohibit the use of buildings, structures and lands incompatible with the intended use or development of lands within the specified districts.
- D. To promote the character and preserve and enhance the stability of properties and areas within the City.
- E. Preserve, protect, perpetuate and use areas, places, structures and other objects having special historical interest and value to the City.
- F. To promote the proper use of land and structures and to determine the proper spacing of buildings.
- G. To provide adequate light, air, privacy and safety of transportation and access to property.
- H. To prevent the overcrowding of land and undue concentration of population.
- I. To fix reasonable standards to which structures and land must conform for the benefit of all.
- J. To facilitate adequate provisions for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities.
- K. To limit congestion in the public streets and protect the public health and welfare by providing for the off-street parking of vehicles and vehicle loading areas.
- L. To protect against fire, explosion, noxious fumes, pollution of the environment and other hazards in the interest of public health, comfort and general welfare.

**M.** To define the powers and duties of the administrative officers and bodies provided for herein.

### **1.3 APPLICABILITY**

#### **A. Territorial Application**

From and after the effective date of this Code, the use of all land and every building or portion of a building erected, altered, added to and/or relocated, and every principal or accessory use in the City of St. Cloud must be in conformity with the provisions of this Code. Any existing structure, and any existing use of properties not in conformity with these regulations, will be regarded as a nonconforming property or use.

#### **B. General Interpretation and Application**

In interpreting and applying the provisions of this Code, these provisions will be held to be the minimum requirements for the promotion of the public health, safety and welfare.

#### **C. Private Agreements**

This Code is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this Code are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Code will govern.

#### **D. Other Laws and Regulations**

Where the provisions of this Code impose greater restrictions than those of any statute, ordinance or regulation, the provisions of this Code will control. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Code, the provisions of such statute, ordinance or regulation will control.

### **1.4 TRANSITION RULES**

In determining the applicability of this Code, with respect to the previously applicable regulations, the following rules apply:

#### **A. Existing Unlawful Uses and Structures**

A structure or use not lawfully existing at the time of the adoption of this Code must be deemed lawful as of the effective date of this Code if it conforms with all requirements of this Code. If such structure or use does not conform with all of the requirements of this Code, then the structure or use must remain unlawful.

#### **B. Existing Permitted Uses**

When a lot is used for a purpose that was classified as a permitted use prior to the effective date of this Code, and such use is classified as a conditional use by this Code, that use is hereby deemed a lawful conditional use for the purpose of this Code. Any addition, enlargement or expansion of such use must conform to the requirements for conditional uses within this Code.

#### **C. Uses Rendered Nonconforming**

When a lot is used for a purpose that was a lawful use before the effective date of this Code, and this Code, or any amendment thereto, no longer classifies the use as either a permitted or conditional use in

the zoning district in which it is located, that use is deemed a legal nonconforming use and is controlled by the provisions of Article 21 (Nonconformities).

**D. Structures and Lots Rendered Nonconforming**

Where any lawful structure or lot existing on the effective date of this Code does not meet all standards set forth in this Code, or any amendment thereto, that structure or lot is deemed nonconforming and is controlled by the provisions of Article 21 (Nonconformities).

**E. Previously Issued Building Permits**

Where construction has lawfully begun prior to the effective date of the Code, or subsequent amendment thereto, such construction is permitted, provided:

1. A complete building or sign permit application is received, which contains all requested and required information, prior to City Council action adopting or amending this Code.
2. Actual construction is begun within thirty (30) days after City Council action to adopt or amend this Code and is diligently prosecuted to completion. Actual building construction means the placing of construction materials in a permanent position and fastened in a permanent manner and does not include the demolition or removal of an existing building.

**F. Previously Granted Conditional Uses and Variances**

All conditional uses and variances granted prior to the effective date of this Code will remain in full force and effect. The recipient of the conditional use or variance may develop the property in accordance with the approved plans, including any applicable conditions. However, if the recipient has failed to act on the conditional use or variance before the approval expires, including any periods of extension granted, the provisions of this Code will govern.

**G. Pending Applications**

Where a complete application is pending on the effective date of the Code, the provisions of the Code in effect at the time the application was deemed complete will govern the application.

**1.5 SEVERABILITY**

If any court of competent jurisdiction adjudges any provisions of this Code to be invalid, such judgment will not affect the validity and continued enforcement of any other provisions of this Code. If any court of competent jurisdiction adjudges the application of any provision of this Code to any property, structure or use to be invalid, such judgment will not affect the application of that provision to any other property, structure or use not specifically included in that judgment.

**1.6 EFFECTIVE DATE**

The effective date of this Code is ninety (90) days from the date of adoption, this date February 15, 2009.

**1.7 REPEAL OF PREVIOUS ORDINANCES**

After the effective date of this Code, all provisions, as amended from time to time, of the: Zoning Ordinance of the City of St. Cloud adopted on May 24, 1999; Subdivision Ordinance of the City of St. Cloud adopted on January 12, 1998; Heritage Preservation Ordinance of the City of St. Cloud adopted on October 9, 2006; Scenic Rivers Ordinance of the City of St. Cloud adopted on September 20, 1998; Flood Plain Management Ordinance

of the City of St. Cloud adopted on June 11, 1990; Shoreland Management Ordinance of the City of St. Cloud adopted on December 16, 1992; and Environmentally Sensitive Areas Ordinance of the City of St. Cloud adopted on August 24, 1998, are expressly repealed in their entirety. Nothing contained in this Code is deemed to repeal or amend any ordinances requiring a permit and/or license to cover any business.