

# Title XV Land Usage

## Chapter 151: Zoning

### Division 01 Introductory Provisions

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#### Part 1 Authority

##### 151.01.11 Purpose

- A. This Chapter is enacted for the purpose of:
1. Protecting the public health, safety, and general welfare of the community;
  2. Conserving and protecting property and property values;
  3. Securing the most appropriate use of land;
  4. Facilitating adequate and economical provisions for public improvements;
  5. Implementing the Comprehensive Plan; and
  6. Providing a method of administration and to prescribe penalties for violation of provisions hereafter described.

##### 151.01.12 Title

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

##### 151.01.13 Applicability and Effect of Chapter

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used and no building or part thereof or other structure shall be located, erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the district in which it is located, such regulations including, but not limited to, the following:

- A. The use of buildings, structures or land, including performance standards for the control of any "dangerous and objectionable elements", as defined in this Chapter, in connection with such use; the height, size, dimensions of buildings or structures, the size or dimensions of lots, yards and other open spaces surrounding buildings;
- B. The provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

##### 151.01.14 Effective Date and Authority to Adopt

- A. The effective date of this Chapter is January 20, 2022. This Chapter hereby supersedes and replaces in its entirety, Chapter 154 of the Lindstrom, Minnesota Code on the effective date hereof.
1. The provisions of this Chapter shall apply to all Development Plans (general, revised, or final) filed on or after January 20, 2022. Plans on file before January 20, 2022 shall be reviewed for compliance with the Zoning Chapter effective at the time of filing.
  2. The provisions of this Chapter shall apply to all permits filed on or after January 20, 2022. Permit applications on file before January 20, 2022 shall be reviewed for compliance with the Zoning Chapter effective at the time of filing.
- B. The authority to adopt this Chapter within the City of Lindstrom is derived from Minn. Stat., Chapter 462, including but not limited to §462.357 and § 462.358, as well as other applicable State statutes and rules. Whenever the Charter or other applicable State laws or rules referenced in this Chapter have been amended or superseded, this Chapter shall also be considered amended accordingly.

### **151.01.15 Abrogation and Greater Restrictions**

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

### **151.01.16 Severability and Non Liability**

- A. If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- B. If any application of this Chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.
- C. The City does not guarantee, warrant, or represent that only those areas designated as flood lands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City of Lindstrom, its agencies, or employees for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

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## **Part 2 Administration**

### **151.01.21 Administrative Officer**

This Chapter shall be administered and enforced by the Zoning Administrator who shall be appointed by the Council. The Zoning Administrator may delegate specific responsibility to any individual city employee, but shall remain responsible for all decisions made by those employees.

### **151.01.22 Zoning Administrator**

The Zoning Administrator or his/her designee shall administer, interpret, and enforce the provisions of this Chapter and shall perform the following duties:

- A. Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, variances, appeals, and applications therefore; and
- B. Institute, in the name of the City, any appropriate actions or proceedings against a violator, as provided by law.

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## **Part 3 Interpretation**

### **151.01.31 Relationship to Comprehensive Plan**

The Comprehensive Plan for the City of Lindstrom or "Comprehensive Plan," including amendments adopted by the City Council, is the guiding policy document for the City. A primary intent of this Chapter is to implement the policies, goals and actions of the Comprehensive Plan while remaining consistent with all applicable requirements of federal and state laws.

### **151.01.32 Conflicting Regulations or Provisions**

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements. Wherever this Chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Chapter shall govern except as otherwise provided in State statutes or rules.

### **151.01.33 Use of Graphics, Illustrations, Figures, Photos, and Cross-References**

- A. Graphics, illustrations, figures, and photos are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure, or photo, the text shall control.
- B. In some instances, cross-references between chapters, divisions, parts, sections, and subsections are provided that include the chapter, division, part, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

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## **Part 4 Nonconformities**

### **151.01.41 Purpose and Intent**

- A. It is the purpose of this section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures and uses will be operated and maintained.
- B. This chapter establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction.
- C. Furthermore, it is the intention of this section that all nonconforming uses shall be eventually brought into conformity.
- D. All nonconforming water supply, sewage disposal and waste treatment facilities and systems located within the Shoreland Overlay District shall be brought into conformance with the provisions hereof.

### **151.01.42 Continuation Rights**

- A. Any structure or use lawfully existing upon the effective date of this Chapter shall not be enlarged, but may be continued at the size and in the manner of operation existing upon the date, except as hereinafter specified or subsequently amended.
- B. Any proposed structure which will, under this Chapter, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this Chapter, may be completed in accordance with the approved plans, provided construction is started within 60 days of the effective date of this Chapter. The structure and use shall thereafter be a legally nonconforming structure and use.

### **151.01.43 Maintenance and Alterations**

- A. Normal maintenance and alteration of a building or other lawful nonconforming use is permitted through the building permit process provided:
  - 1. The alterations do not expand the foundation and/or building volume, unless specifically allowed by this Ordinance;
  - 2. The alterations do not increase the building occupancy capacity or parking demand; and
  - 3. The alteration does not increase the nonconformity of the building or the use.
- B. Alterations may be made to a building or other lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building.
- C. Nothing in this Chapter shall prevent the placing of a structure in safe condition when the structure is declared unsafe by the Zoning Administrator providing the necessary repairs shall not constitute more than 50 percent of fair market value of the structure. The value shall be determined by the County Assessor.

#### **151.01.44 Expansion**

No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel upon which the same was constructed or was constructed at the time of this Chapter adoption unless the movement shall bring the nonconformance into compliance with the requirements of this Chapter.

#### **151.01.45 Restoration**

- A. Any legal, non-conforming building or structure which has been damaged by fire or other peril to the extent of more than 50 percent of its fair market value, as determined by the County Assessor, shall not be restored, except in conformity with the regulations of this Ordinance, and as specifically provided in Item B below.
- B. Except as otherwise provided by this Ordinance or State Statutes, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
  - 1. The nonconformity or occupancy is discontinued for a period of more than one (1) year.
  - 2. The nonconforming use or building is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged.
- C. Any subsequent use, building or structure not meeting the standards established in Items A and B above shall be only occupied in a conforming manner.

#### **151.01.46 Change in Use**

- A. A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.
- B. When any lawful nonconforming use of a structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

#### **151.01.47 Discontinuance**

Whenever a lawful nonconforming use of a structure or land is discontinued for a period of one (1) year, any future use of the structure or land shall be made to conform with the provisions of this Chapter.

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## **Part 5      Establishment of Districts**

### **151.01.51 Establishment of Zoning Districts**

- A. The following base zoning districts are established within the City:
  - 1. A-O, Agriculture-Open Space District
  - 2. R-1, Low Density Detached Residential District;
  - 3. R-2, Low Density Attached and Detached Residential District;
  - 4. R-3, Mixed Density Residential District;
  - 5. R-4, Medium/High Density Residential District;
  - 6. R-M, Manufactured Home Park District;
  - 7. CBD, Central Business District;
  - 8. B-1, General Business District;
  - 9. B-2, Business Park District;
  - 10. I-1, Industrial District; and
  - 11. D-H, Development Holding District.

- B. The following overlay zoning districts are established within the City:
  - 1. PUD Planned Unit Development District;
  - 2. S, Shoreland Overlay District; and
  - 3. F, Floodplain Overlay District.

#### **151.01.52 Official Zoning Map**

- A. The effective date of the Official Zoning Map is January 20, 2022. This map hereby supersedes and replaces in its entirety the former zoning map for the City of Lindstrom on the effective date hereof.
- B. The City of Lindstrom is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the City of Lindstrom as may be updated periodically and all applicable amendments thereto and made a part of this Chapter.
- C. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said Map were fully described herein.
- D. The Official Zoning Map shall be properly attested and kept on file along with the text of this Chapter in the office of the Zoning Administrator of the City of Lindstrom.

#### **151.01.53 District Boundaries**

- A. The district boundaries shall be determined by measurement from and as shown on the Zoning Map, and in case of any questions as to the interpretation of such boundary lines, the Planning Commission shall interpret the map according to the reasonable intent of this Chapter.
- B. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
  - 1. Boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
  - 2. Boundaries indicated, as approximately following platted lot lines shall be construed to following such lot lines.
  - 3. Boundaries indicated, as approximately following City boundaries shall be construed as following municipal boundaries.
  - 4. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
  - 5. Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the Zoning Map shall be the scale of the map.
- C. Where a district boundary line divides a lot which was in a single ownership at the time of passage of this Chapter, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot may be interpreted by the Zoning Administrator upon request of the owner.

#### **151.01.54 Annexation and Detachment**

- A. In the event of changes in the City limits by removing territory from the City, district boundaries shall be construed as moving with the City limits.
- B. Annexations of new areas to the City subsequent to the effective date of this Chapter shall be placed in the D-H Development Holding District at the time of annexation.
  - 1. No building permits shall be issued for parcels within the D-H District.
  - 2. Any development occurring on these parcels shall occur subsequent to rezoning the land out of the D-H District and shall follow all requirements of the new district.