

Ordinance No. ____ - ____
Amending St. Louis Park City Code chapter 36
related to zoning

The city council of the City of St. Louis Park, Minnesota does ordain:

Section 1: Chapter 36 shall be deleted in its entirety and replaced with the following:

ARTICLE I. INTRODUCTORY PROVISIONS

DIVISION 1. INTRODUCTORY PROVISIONS

Sec. 36-1. Title.

- (a) This chapter shall be known as the City of St. Louis Park Zoning Ordinance except as referred to herein as “this chapter.”

Sec. 36-2. Purpose and intent of chapter.

- (a) The intent, through the zoning ordinance chapter, is to promote the most appropriate and orderly development of the city.
- (b) This chapter establishes minimum requirements to protect the public health, safety, mobility, and general welfare of the people.
- (c) This chapter shall divide the city into zoning districts and establish regulations which control the location, erection, construction, reconstruction, alteration, and use of structures and land.

Sec. 36-3. Findings.

Through establishing and implementing this chapter, the city council finds it necessary to accomplish the following:

- (a) Require that development proceed according to the vision, strategic priorities, goals, land use designations and map, strategies and implementation actions established in the city's comprehensive plan, as well as other adopted plans.
- (b) Provide adequate light, air and convenient access to property.
- (c) Facilitate the provision of municipal utilities, transportation, schools, recreation and other public infrastructure supporting current and future needs.
- (d) Provide for compatibility of different land uses.
- (e) Enhance the city's development pattern, quality, character and long-term sustainability.
- (f) Conserve the natural resources and environmental assets of the community.
- (g) Provide effective administration of this chapter and any future amendments to the ordinance from which this chapter is derived and prescribe penalties for the violation of its requirements.

- (h) Establish a continuing system of review of this chapter to ensure it will be amended to meet the changing needs of the community and advances in technology and economic and social systems.

DIVISION 2. AUTHORITY

Sec. 36-4. Effective date.

- (a) The effective date of this chapter is January 1, 2026. This chapter hereby supersedes and replaces in its entirety, chapter 36 of the St. Louis Park, Minnesota, city code on the effective date hereof. The provisions of this title shall apply to all development plans and permits filed on or after the effective date. Plans on file before the effective date shall be reviewed for compliance with the zoning ordinance title effective at the time of filing.

Sec. 36-5. Jurisdiction and authority.

- (a) This chapter is enacted under the authority granted to the city in state statutes chapter 462, as well as other state statutes and rules. If those statutes are amended to restrict or enlarge the authority delegated to the city, those amendments shall be incorporated into this chapter.
- (b) This chapter governs the use of all land and structures in the city unless such regulation is specifically preempted by state or federal statutes or regulations.

DIVISION 3. ADMINISTRATION

Sec. 36-6. Enforcing officer.

- (a) The zoning administrator or their designee shall enforce this chapter under the direction and control of the zoning administrator's supervisor, department director and city manager.

DIVISION 4. INTERPRETATION

Sec. 36-7. Purpose of interpretation.

- (a) The purpose of interpreting and applying this chapter is to determine and carry out the intent of the city council. This chapter must be interpreted, whenever possible, so that all provisions are given effect.
- (b) The language of this chapter is clear and unambiguous as applied to a particular situation, it must be applied as written.
- (c) When the words of this chapter are not explicit, the intention of the city council may be ascertained by considering, among other matters:
 - (1) The occasion and necessity for this chapter or specific provision.
 - (2) The circumstance under which it was enacted.
 - (3) The object to be attained.
 - (4) The former zoning ordinance.
 - (5) The consequences of a particular interpretation.

- (6) Administrative interpretations of this chapter and interpretations by the board of zoning appeals and the city council.
- (d) In ascertaining the intention of the city council, the following presumptions apply:
 - (1) The city council does not intend a result that is absurd, impossible of execution, or unreasonable.
 - (2) The city council intends the entire chapter to be effective and certain.
 - (3) The city council does not intend to violate the Constitution of the United States or the state constitution.
 - (4) The city council intends to favor the public interest against any private interest.

Sec. 36-8. Minimum and maximum requirements.

- (a) The provisions of this chapter are the minimum and maximum requirements for the promotion of the public health, safety, mobility and general welfare.

Sec. 36-9. Rules of construction.

- (a) The following rules of construction govern the interpretation of the language of this chapter:
 - (1) The singular number includes the plural and the plural the singular.
 - (2) The present tense includes the past and future tenses and the future includes the present.
 - (3) The word "shall" is mandatory, and the word "may" is permissive.
 - (4) Whenever a word or term which is defined in this chapter appears in the text of this chapter, its meaning shall be that stated in the chapter definition. Words or terms which are not defined in this chapter shall have the meaning found in the most recent edition of Merriam-Webster's Unabridged Dictionary. Words not defined in that dictionary shall have their ordinary, usual meaning at the time the word or term is being applied to a zoning question or situation. General words are construed to be restricted in their meaning by preceding particular words.
 - (5) Unless otherwise specified, calculations completed as a result of the provisions in this chapter shall be rounded to the nearest whole number.
- (b) Distance. All measured distance expressed in feet shall be to the nearest tenth of a foot. The measurement of distances when required by this chapter shall be done in a straight line in the plane located at a point one foot above the highest point in the surface of the ground along the path of measurement, from the closest exterior wall (extended vertically if a cantilever) of a building containing the use to the property line of the adjacent street, district, or lot or other boundary line. If the use is not within a building, the measurement shall be the shortest distance from the location of the use to the property line of the adjacent street, district, or lot or other boundary line.
- (c) Performance time; delivery and filing time. Where the performance or doing of any act, duty, matter, payment or thing is ordered or directed and the period of time or duration for the performance or doing thereof is described and fixed by this chapter, the time shall be computed so as to exclude the first and include the last day of the

prescribed or fixed period or duration of time. When the last day of the period falls on Saturday, Sunday, or a legal holiday, that day shall be omitted from the computation. When an application, payment, drawing, contract or other document is to be delivered to or filed with any department of the city or other unit of government on or before a prescribed date and the prescribed date falls on a Saturday, Sunday, or legal holiday, it is timely delivered or filed if it is delivered or filed on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

- (d) Grammatical errors. Grammatical errors shall not destroy the application of this chapter. A transposition of words and clauses may be resorted to when a sentence is without meaning as it stands. Words and phrases which may be necessary to the proper interpretation of this chapter and which do not conflict with its obvious purpose and intent, nor in any way affect its scope in operation, may be added in the construction thereof.
- (e) Provisos. Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer. Exceptions expressed in this chapter shall be construed to exclude all others.
- (f) Penalty; forfeiture. When a penalty or forfeiture is provided for the violation of this chapter, such penalty or forfeiture shall be construed to be for each such violation. Each day that a violation exists shall constitute a separate violation.
- (g) Provision conflicts. When a general provision of this chapter conflicts with a special provision in this chapter, the two shall be construed if possible so that effect shall be given to both. If the conflict between the two provisions is irreconcilable, the special provisions shall prevail and shall be construed as an exception to the general provision unless the general provision was enacted subsequent to the special provision and it shall be the manifest intention of the city council that such general provisions shall prevail. When several clauses are irreconcilable, the chapter clause last in order of date or position shall prevail. When the provisions of two or more amendments to this chapter passed at different dates are irreconcilable, the amendment latest in date of final enactment shall prevail.
- (h) Amendment. When a section or part of the ordinance from which this chapter is derived is amended, the amendment shall be construed as merging into the original ordinance, becoming a part thereof, and replacing the part amended, and the remainder of the original ordinance and the amendment shall be read together and viewed as one ordinance passed at one time. The portions of this chapter which were not altered by the amendment shall be construed as effective from the date of the first enactment, and the new provision shall be construed as effective only from the date when the amendment became effective. When this chapter adopts the provisions of state statute by reference, it also adopts by reference any subsequent amendments of that statute except when the intent of the city council is clearly to the contrary. If two or more amendments to the same provision or this chapter are enacted at the same or at different times, one amendment overlooking and making no reference to the other, the amendments shall be construed together if possible and effect be given to each. If

the amendments are irreconcilable, the amendment latest in date of final enactment shall prevail.

- (i) Appendix. The appendix is for information purposes only and is not intended to govern.

Sec. 36-10. Compliance with the comprehensive plan.

- (a) No building permit, certificate of occupancy, registration of land use, or any other permit required by this chapter, shall be issued unless the proposal complies with the comprehensive plan and the requirements of this chapter. If a conflict exists between this chapter and the comprehensive plan on land for which an approval is requested, such approval cannot be issued unless the conflict is resolved.

Sec. 36-11. Diagrams.

- (a) Diagrams, where provided, are intended to be illustrative only and may not be drawn to scale. Where a conflict exists between a diagram and text, the text shall prevail.

Sec. 36-12. More restrictive applications.

- (a) Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by any other applicable law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall control.

Sec. 36-13. Abbreviations

- (a) Purpose. The purpose of this section is to identify the abbreviations which are used in this chapter to clarify meaning.
- (b) Abbreviations.
 - (1) BOZA Board of zoning appeals
 - (2) DSH Diameter at standard height
 - (3) DORA Designed outdoor recreational area
 - (4) DU Dwelling unit
 - (5) EVSE Electric vehicle supply equipment
 - (6) EVCS Electric vehicle charging station
 - (7) PUD Planned unit development
 - (8) FW Floodway district
 - (9) FF Flood fringe district
 - (10) FP General floodplain district

DIVISION 5. SEPARABILITY

Sec. 36-14. Separability.

- (a) Provisions in this chapter are separable if the following events occur:

- (1) If a court of competent jurisdiction finds any provision of this chapter to be invalid, that judgment shall not affect any other provision of this chapter not specifically included in the judgment.
 - (2) If a court of competent jurisdiction finds the application of any portion of this chapter to a particular property, building, or other structure invalid, that judgment shall not affect the application of the provision to any other property, building or structure not specifically included in the judgment.
- (b) If a court of competent jurisdiction finds any individual condition of a conditional use permit invalid, that judgment shall not invalidate any other condition of the same conditional use permit not specifically included in such judgment nor shall it invalidate the application of the same condition in any other conditional use permit.

DIVISION 6. NONCONFORMITIES

Sec. 36-15. Scope of article.

- (a) Nothing in this division shall be construed to permit a violation of any section of this chapter or the continuation of any unsafe or unsanitary condition.

Sec. 36-16. Purpose.

The purpose of this division is to provide for the continuation and eventual elimination of nonconformities and other instances of nonconformance by:

- (a) Recognizing nonconformities which lawfully existed prior to the effective date of the ordinance from which this article is derived.
- (b) Prohibiting the enlargement or extension of nonconformities.
- (c) Providing criteria which provide for the reconstruction of nonconformities which are damaged by fire or other natural disaster.
- (d) Encouraging the elimination of nonconformities or minimizing their impact on adjacent properties.
- (e) Requiring nonconformities and other instances of nonconformance in certain situations to either comply with this chapter or terminate.

Sec. 36-17. General requirements.

- (a) Right to continue. Except for a sexually oriented business as defined in the city code, a nonconformity may be continued in the manner of operation existing at the time of adoption of the ordinance from which this chapter is derived, subject to the provisions of this division.
- (b) Subject to general requirements of this chapter. Subject to its right to continue, a property having a nonconformity is subject to all provisions of this chapter and future amendments thereto.
- (c) Expansion prohibited. A nonconformity shall not be expanded in any manner. Expansion includes the intensification of the character or operation of a nonconformity. Expansion shall include, but not be limited to, increased hours of operation, expansion of the use to a portion of the property not previously used,

reducing the size of the parcel containing the nonconformity by subdivision or administrative lot line adjustment, expansion of a parking area, and increased number of employees.

- (d) Damaged or destroyed structures. If any nonconformity is destroyed by fire or other peril to the extent of greater than 50% of its assessed market value, and no building permit has been applied for within 180 days of when the property is damaged, the building official may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. If the building permit has not been applied for within one year of the date of destruction, any right to continue the nonconformity is terminated and any future use of the land must comply fully with this chapter.
- (e) Termination of rights through discontinuation of the use. If a nonconformity is discontinued for a period of more than one year, any right to continue the nonconformity is terminated and any future use of the land must comply fully with this chapter.

Sec. 36-18. Special requirements.

- (a) City approvals.
 - (1) Condition of approval. An addition or expansion to a nonconforming structure may be granted a Conditional Use Permit (CUP) or building permit so long as the addition or expansion adheres to all requirements of this chapter. Amendments to existing special permits shall be administered in accordance with section 36-445.
 - (2) Exception. A new use in part of a nonconforming multiple tenant structure may be granted a CUP or special permit amendment, so long as there are no exterior modifications needed to accommodate the new tenant which would result in an increase in building height, density, or a decrease in required yards, or other substantial change (other than property improvement to meet building code requirements), and the following standards are met:
 - a. The new use does not involve an expansion of the nonconformity or otherwise increase the noncompliance with the provisions of this chapter.
 - b. Any nonconformity or other items of noncompliance existing on the site shall be brought into greater or complete compliance with this chapter to the extent reasonable and possible, except that greater or complete compliance will not be required with the following provisions of this chapter:
 - 1. Lot area.
 - 2. Lot width.
 - 3. Required yards.
 - 4. Building height
 - 5. Density.
 - 6. Usable open space.
- (b) Permitted construction. Construction is permitted under the following circumstances:

- (1) The repair, replacement, restoration, maintenance or improvement of any nonconformity, but not including expansion, except that such construction is prohibited in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of construction to flood flows in the floodway.
- (2) Construction which would allow additions and alterations to buildings containing nonconforming dwelling units complying with the following conditions:
 - a. The construction will not result in an increase in the number of dwelling units; and
 - b. The building or parcel is not located in an area which the council has designated as a high priority for redevelopment according to an adopted redevelopment strategy or plan. For the purpose of this section, a redevelopment strategy or plan shall be defined as a document and/or process which specifically outlines the area to be redeveloped and may include timelines and/or action steps to be taken, or which are being taken, to achieve the redevelopment. These action steps may include, but are not limited to: solicitation of developers, the purchase of property, environmental testing or remediation, demolition of structures and other similar activities.
- (c) Change in tenant or ownership. Any change of a tenant or in the ownership of any land which is classified as a nonconforming use shall require the new tenant or owner to obtain a certificate of occupancy or Registration of Land Use before the nonconforming use may be continued.
- (d) Change to less intense use. A nonconforming use may be changed to a less intense nonconforming use subject to approval by the zoning administrator. The property owner or tenant has the burden of providing evidence that the proposed use is less intense than the existing nonconforming use. The zoning administrator shall consider the evidence provided by the property owner or tenant in evaluating relative intensities including, but not limited to, each of the following factors:
 - (1) Hours of operation.
 - (2) Signage.
 - (3) Off-street parking and loading.
 - (4) Nature of business operations.
 - (5) Type of equipment or machinery.
 - (6) Outdoor storage.
 - (7) Number of employees.
 - (8) Aesthetic impacts on surrounding property.
 - (9) Property values.
- (e) Reduction in nonconformity. Any nonconformity which is reduced in size, intensity or otherwise becomes more conforming may not again expand or become less conforming.
- (f) Nonconformity as a result of government action.

- (1) When lot area, width or setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose and the remaining area is at least 50% of the otherwise applicable standards, then that lot and any structures existing at the time of public action shall be deemed to be in compliance with the minimum lot area, lot width and setbacks of this chapter.
- (g) Nonconforming parking.
 - (1) Any use on any property which contains a nonconforming parking lot or paved area shall not be expanded unless the property is brought into compliance with the standards contained in sections 36-363 and 36-368. In addition to the other penalties provided by law, the city may withhold a certificate of occupancy for any property not in compliance with this section.
 - (2) Any use which does not provide the number of parking spaces required by section 36-363 for the amount of parking provided may not be expanded unless it provides the parking spaces required under this chapter for the expansion.
 - (3) Uses with nonconforming parking in terms of numbers of stalls shall need not be required to provide additional parking to bring the use into compliance if such parking would occupy required yards or interfere with screening requirements.
- (h) Nonconforming landscaping. If buildings were existing on a parcel of land on the effective date of the ordinance from which this chapter is derived which, due to their location, make construction of the required landscaping impossible, then an alternative landscaping plan may be approved as outlined in section 36-374.
- (i) Nonconforming impervious surface coverage. Impervious surfaces can be replaced with other types of impervious surfaces so long as the amount of impervious surface is not increased.
- (j) Non-conforming rear yard. Additions may be made to a principal structure with a nonconforming rear yard provided that the addition meets the rear yard requirements of this chapter.

Secs. 36-19 to 36-39 reserved.