

**CHAPTER 902 GENERAL PROVISIONS**

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**902.010 Authority**

This ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes.

**902.020 Ordinance Purpose**

A. This ordinance is adopted for the following purposes:

1. To implement the policies of the City of Little Canada Comprehensive Plan;
2. To protect the public health, safety, and general welfare of the community and its people through the establishment of regulations governing development and use;
3. To promote orderly development and redevelopment;
4. To protect the established use areas;
5. To provide convenient access to property;
6. To reduce congestion in the public right-of-way;
7. To prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and allowed residential densities;
8. To provide for compatibility of different land uses;
9. To provide for administration and enforcement of this ordinance;
10. To provide for amendments;
11. To prescribe penalties for violation of such regulations; and
12. To define powers and duties of the City staff, the City Council, the Planning Commission, and the City Council in relation to the Zoning Ordinance.

In their interpretation and application, the provisions of this ordinance shall be held as the minimum requirements for the promotion of public health, safety, and welfare.

**902.030 Effective Date**

This ordinance shall be effective on and after October 27, 2021. The adoption of this ordinance shall not be construed to confer any protected legal status on uses in existence prior to the effective date that did not conform to previous ordinance provisions. Uses that were illegal under previous ordinance provisions shall not be converted to a legal non-conforming use by reason of adoption of this ordinance.

**902.040 Applicability**

This ordinance is applicable to all land located within the City both now and as may be incorporated in the future. The use of land and buildings or structures, and the construction, reconstruction, alteration, expansion, or relocation of buildings or structures shall conform to the provisions of this ordinance.

#### **902.050 Relationship to the Comprehensive Plan**

It is the policy of the City of Little Canada that the Comprehensive Plan is the City's guiding document for the regulation of land use and development. The enforcement, amendment, and administration of this ordinance is to be accomplished with due consideration of the recommendations contained in the Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council of the City.

#### **902.060 Relationship to Other Laws and Agreements**

##### **A. Conflict with Other Public Laws, Chapters, Regulations, or Permits**

1. This ordinance is intended to complement other municipal, state, and federal regulations that affect land use. This ordinance is not intended to revoke or repeal any other public law, ordinance, regulation, or permit.
2. Where the provisions of this ordinance impose greater restrictions than those of any statute, other chapter or regulation; the provisions of this ordinance shall apply, except as prohibited by Statute.
3. Where the provisions of any statute, other chapter or regulation impose greater restrictions than this ordinance, the provisions of that statute, other chapter or regulation shall apply.

##### **B. Conflict with Private Agreements**

1. The existence of any easement, covenant, or other private agreement with respect to property affected by this ordinance shall not affect the duty of any interested person to comply with this ordinance.
2. The City shall have no obligation to waive or modify the requirements of this ordinance to conform to private agreements, nor shall it be obligated to enforce such agreements.

##### **C. Conflict Between Standards in this Ordinance**

In the event of conflict between one or more of the standards in this ordinance, priority shall be established based on the following descending hierarchy:

1. Overlay Zoning District Requirements;
2. Base Zoning District Requirements;
3. Rules of Measurement in Section 915.060; and
4. Chapter 902, General Provisions.

For instance, if an overlay district standard conflicts with a base district standard, the overlay district standard shall control and take precedence.

#### D. Conflicts with Other Standards

In cases where two or more standards conflict within the same hierarchy category identified in Sub-Section (C), above, the more restrictive standard shall not necessarily control. For example, if two overlay zoning district requirements conflict, this subsection shall apply. The determination as to which control applies shall be made by the City Council. The following standards shall govern the Council in issuing use interpretations:

1. Greater consistency with the goals and objectives contained within the adopted Comprehensive Plan;
2. More supportive of the purposes of this ordinance as described in Chapter 902.020, Ordinance Purpose;
3. Increased compatibility with adjacent development and surrounding community character;
4. Enhanced environmental quality and natural resource protection;
5. Greater protection and preservation of historic and cultural resources; and
6. A superior level of building form, design, or architecture.

### **902.060 Transitional Regulations**

#### A. Purpose

The purpose of transitional regulations is to resolve the status of properties with pending applications and properties with outstanding violations, at the time of the adoption of this ordinance.

#### B. Violations Continue

Any violation of previous versions of this ordinance shall continue to be a violation under this ordinance and shall be subject to the penalties and enforcement set forth in Chapter 920, Enforcement, unless the use, development, construction, or other activity complies with the provisions of this ordinance.

#### C. Uses, Structures, and Lots Rendered Nonconforming

Where any use, building, structure, or lot that legally existed on the effective date of this ordinance does not meet all standards set forth in this ordinance, such building, structure, lot or parcel shall be subject to the requirements of Chapter 913, Non-Conforming Uses and Structures.

#### D. Existing Legal Nonconformities

Legal nonconforming lots of record and uses that existed on the effective date of this ordinance shall be controlled by Chapter 913, Non-Conforming Uses and Structures.

#### E. Processing of Applications Commenced or Approved Under Previous Ordinances

##### 1. Pending Application

- (a) Any complete application that has been submitted or accepted for review, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this ordinance, shall be reviewed in accordance with the provisions of ordinances in effect on the date the application was deemed complete by the City.

- (b) An applicant with a pending application may waive the review available under the prior ordinance through a written letter to the Planning Director, and instead request review under the provisions of this ordinance.

## 2. Approved Projects

- (a) Approved land use and other related actions by the City of Little Canada authorized under the prior ordinance, including Building Permits that are valid on the effective date of this ordinance, shall remain valid until their expiration date, where applicable.
- (b) Projects with valid approvals or permits shall comply with the requirements of this ordinance where the standards will not materially affect the project. Where use of these standards would materially affect the project, the project shall be completed pursuant to the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
- (c) Any building or development for which a Building Permit was granted prior to the effective date of this ordinance shall be permitted to proceed as permitted or approved, even if such building or development does not conform to the provisions of this ordinance, as long as the Building Permit remains valid.
- (d) Building permits authorized in accordance with the ordinance existing prior to the effective date of this ordinance shall still be valid, but shall not be renewed if the permit expires. All future permits shall only be issued if in compliance with the requirements of this ordinance.

### **902.070 Severability**

#### A. Provisions

If any court of competent jurisdiction invalidates any provision of this ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this ordinance.

#### B. Properties

If any court of competent jurisdiction invalidates the application of any provision of this ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

#### C. Approvals

If any court of competent jurisdiction rules invalid any condition attached to an approval under this ordinance, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

#### D. Administrative Actions

Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this ordinance, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in the determination that the condition or limitation was lawful.

E. Appeals

No judgment of any court of competent jurisdiction shall be considered final until all appeals therefore have been exhausted.