

SECTION III

GENERAL PROVISIONS

3.1 Application of the Ordinance.

1. The provisions of this Ordinance shall be held to be the minimum requirements for the maintaining of the public health, safety and welfare of the inhabitants of the City of Longville, Minnesota.
2. Where the provisions of the Ordinance are either more restrictive or less restrictive than applicable provision of other laws, ordinances, statutes, resolutions, covenants or regulations of any kind, the more restrictive condition, standard or requirement shall prevail.
3. Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Ordinance.
4. The provisions of this Ordinance shall be applicable to any subdivision of property within the City after the effective date of this Ordinance.
 - a. Subdivision by Plat or Condominium Plat shall be approved by the Planning Commission and Council.
 - b. Subdivision by metes and bounds shall be approved by the Planning Commission and Council if either of the resulting parcels is less than 10 acres and 500 feet of width for residential lots or 5 acres and 300 feet of width for commercial lots, and shall be limited to no more than one split of a parcel into two parcels in a three year period of time. An additional parcel for right of way or commonly owned driveway access may also be allowed. The proposed legal description for subdivision of land by metes and bounds shall be prepared and certified by a Registered Land Surveyor. Approval by the City Council shall be indicated by the stamp of approval affixed by the City Clerk to said legal description. The County Recorder or Registrar of Deeds may accept each such Certificate for filing and recording upon compliance with these provisions.
5. Ambiguities in the Ordinance shall be resolved by interpretation of the Planning and Zoning Administrator. If an applicant wishes to appeal the

interpretation of the Administrator, an appeal can be made, by a conditional application if applicable, through a hearing of the Planning Commission.

3.2 Environmental Documents and Concurrent Permits.

1. It shall be the property owner's responsibility to secure necessary concurrent permits such as Pollution Control Agency, State Waste Disposal Permits; Health Department Permits; DNR Planned Unit Development Permits; Corps of Engineers Permits, DNR Public Water Permits and DNR Water Appropriation Permits. Approval by the City does not imply approval by other agencies.
2. The City will prepare an Environmental Assessment Worksheet (EAW) where a proposed project exceeds the limits defined in the Environmental Quality Council's Rules and Regulations for Environmental review program or as requested by the Planning Commission or petitioned by the public.
3. The administration of an EAW or EIS shall be in accordance with the rules and regulations of the Minnesota Environmental Quality Board. The Zoning Administrator shall be responsible to the City Council and have the authority to administer the environmental document. The Planning Commission shall review each document and make recommendations to the City Council whose decision shall be final.

3.3 Use of Pre-Existing Lots.

1. A lot, pre-existing for which a Deed, recorded Contract for Deed or other legal conveyance or plat has been executed prior the effective date of the Ordinance shall be deemed a buildable lot without requiring a variance provided all the setbacks can be maintained and sanitary provisions for well and sewage disposal can be maintained.
2. Lots joined together for zoning permit applications shall not be divided in the future, but shall be tied together by restriction filed with the County Recorder.

3.4 Non-conforming Structures and Uses.

Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may

be continued subject to the following:

1. No such use shall be expanded, enlarged or intensified except in conformity with the provisions of this Ordinance, with consideration for variances thereto.
2. If a non-conforming structure is destroyed, by any cause, to an extent exceeding 50% of its market value immediately prior to destruction, then the structure or its replacement shall thereafter conform to this Ordinance.
3. Normal maintenance of a building or other structure containing or relating to a lawful non-conforming use is permitted when it includes necessary non-structural repairs that do not extend, intensify or increase the size or shape of the non-conforming building or use.
4. A lawful, non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming use has been changed, it shall not thereafter be altered to increase the non-conformity.
5. A one-time addition to a non-conforming principle structure shall be permitting subject to the following:
 - a. The non-conformity is due solely to setbacks.
 - b. The addition is not within the shore impact zone.
 - c. The addition extends no closer to the lake than the current structure.
 - d. The addition falls behind a line between the setbacks of the dwellings on the properties directly adjacent. Where there is no dwelling on the adjacent lot, the setback listed in Section IX of this Ordinance shall be assumed for that lot.
 - e. The size of the addition shall not exceed fifty percent of the size of the structure it is being added to.
 - f. The total footprint of the structure, once the addition is completed, shall not exceed 2,000 square feet, including decks, porches, patios and other projections.
 - g. For reasons of structural integrity, a basement may be allowed under the addition only where a basement exists in the original structure.
 - h. Additional vegetative screening is provided for the addition as

- viewed from the area being encroached upon.
- i. A stormwater management plan is implemented that directs stormwater away from adjacent properties and surface waters.
 - j. The height of the addition shall not exceed the height of the existing structure.
 - k. Beyond alterations essential to accommodate the addition, no structural modifications shall be made to the original structure.
 - l. No permits shall be granted under this provision for homes constructed after July 1, 1995 or where a previous variance has been approved.
 - m. All other provisions of the Ordinance must be complied with.
6. Where a parcel is voluntarily redeveloped to the extent that 50% or more of the footprint building area, above the foundation, on the parcel, is removed, all non-conforming structures on the parcel must be modified to conform to the Ordinance.

3.5 Building Standards.

1. All structures and appurtenances shall be constructed in accordance with the general standards of the building industry. The City does not examine plans nor assume liability for the structural stability or quality of any structures.
2. All new dwelling units except those in an established mobile home park shall be a minimum of 18¹ feet wide and shall be placed on a foundation.
3. In accordance with the Minnesota State Building Code, in the absence of a determination by an engineer competent in soil mechanics, the minimum allowable footing depth due to freezing is five feet.
4. All properties shall be connected to the municipal sanitary sewer system, where available. Individual sewage treatment systems shall conform to Minnesota Pollution Control Agency Standards - Chapter 7080.
5. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the MPCA. Private wells must be located, constructed, maintained and sealed in accordance with the water well construction code of the Minnesota

¹ Amended August 12, 2008

Department of Health. All wells must be installed by a well driller licensed in the State of Minnesota.

6. The provisions of the Ordinance were prepared to be at least as restrictive as the "Statewide Standards for Management of Shoreland Areas" effective July 3, 1989. Where the conditions of the Shoreland Standards are more restrictive, or in case of oversight, exclusion, or question in this Ordinance, the Shoreland Standards shall govern, except for applications involving non-conformities.