

Section 330.03 General Provisions

Subd. 1. Application of This Ordinance.

- a. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- b. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- c. Except as specifically provided in this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.

Subd. 2. Separability. The several provisions of this Ordinance are separable in accordance with the following:

- a. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

Subd. 3. Substandard Lots. If in a group of contiguous platted lots under a single ownership, any individual lot does not meet the minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one (1) or more parcels of land, each meeting the full minimum requirements of this Ordinance.

Subd. 4. Non-Conforming Use and Structures. Any structure or use existing upon the _effective date of this Section and which does not conform to the provisions herein may be continued subject to the following conditions:

- a. **Substandard Structures.** All dimensionally substandard structures that need replacing due to destruction or obsolescence shall be allowed to be replaced, restored, or rebuilt as necessary to remain the same as they exist on the date of the enactment of this Ordinance, provided the standards for private sanitary sewer systems can be met (WPC-40), but any change beyond the established structural dimensions of each substandard structure shall be in compliance with the setback requirements of this Ordinance or any variance that may be obtained or issued for such increase in size.
- b. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
- c. **Abandonment.** A non-conforming use of a building which has been discontinued for a period of twelve (12) months shall not be reestablished, and any future use shall be in conformity with the regulations of this Ordinance. The County Assessor shall notify the Lanesboro Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.
- d. **Relocation.** A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of the passage of this Ordinance.
- e. **Inspection.** The enforcing officer may make an annual inspection each June of all non-conforming uses and report to the City Council within 60 days. He may enter upon or in the premises at reasonable hours for inspection purposes.
- f. **Maintenance.** Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alternations which do not extend or intensify the non-conforming use.
- g. **Nonconforming Uses within the Floodplain District.**
 1. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood

Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques allowable in the State Building Code, except as further restricted in 2. below.

2. If a nonconforming structure within the floodplain is destroyed by any cause, to an extent exceeding 50% of its fair market value as indicated by the records of the County Assessor, a future structure on the site must meet all applicable standards of this Ordinance.

3. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of Lanesboro's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Section 330.5, Subd. 13, c.& d. of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.