

## CHAPTER 1

### TITLE AND APPLICATION

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#### 01-1-1: TITLE AND APPLICATION:

- A. **Title:** Part 17, Article 1 of the Howard Lake City Code shall be known as the *HOWARD LAKE ZONING ORDINANCE*, except as referred to herein, where it shall be known as "this Article".
- B. **Intent And Purpose:** The intent of this Article is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations in regard to the location, erection, construction, alteration and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; to provide adequate light, air and convenience of access to property; to prevent congestion in the public right of way; to prevent overcrowding of land and undue concentration of structures by regulating land, building, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this Article; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to this Article.
- C. **Relation To The City's Comprehensive Plan:** Pursuant to Minnesota Statutes 473.858, as may be amended, and City policy, the City's adopted Comprehensive Plan shall serve as the basis upon which land use and development shall be regulated. This Article shall not conflict with and shall be based upon and implement the City's Comprehensive Plan.
- D. **Standard, Requirement:** Where the conditions imposed by any provision of this Article are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the City, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

- E. **Application:** The provisions of this Article shall be the minimum requirements for the promotion of the public health, safety and welfare.

**01-1-2: CONFORMITY WITH THIS ARTICLE:**

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 the provisions of this Article.

**01-1-3: BUILDING COMPLIANCE:**

Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Article.

**01-1-4: MONUMENTS:**

For the purpose of this Article, all international, Federal, State, County and other official monuments, bench marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development. All section, one-quarter section and one-sixteenth section corners shall be duly described and tied.

**01-1-5: USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS:**

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this Article to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

**01-1-6: SEPARABILITY:** It is hereby declared to be the intention of the City that the several provisions of this Article are separable in accordance with the following:

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

**01-1-7: AUTHORITY:**

This Article is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes sections 462.351 to 462.363.

**01-1-8: COMPREHENSIVE REVISION:**

The Council intends this Article to be a comprehensive revision to the Howard Lake Zoning Ordinance which existed prior to this Ordinance 17.08. Any act done, offense committed, rights accruing or accrued, liability, or penalty incurred or imposed prior to February 10, 2003 is not affected by its enactment.