

Section 330.00 TITLE. This Ordinance shall be known, cited and referred to as the Lanesboro Zoning Ordinance.

Section 330.01 PURPOSE. This Ordinance is adopted for the purpose of:

1. Protecting the public health safety, morals, comfort, convenience and general welfare.
2. Promoting orderly development of the residential, commercial, industrial, recreational and public areas.
3. Conserving the natural and scenic beauty and attractiveness of the city.
4. Conserving and developing natural resources in the city.
5. Providing for the compatibility of different land uses and the most appropriate use of land throughout the city.
6. Minimizing environmental pollution.

Section 330.02 RULES AND DEFINITIONS.

Subd. 1. Rules. The language in the text of this Ordinance shall be interpreted according to the following rules of construction:

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 the present.
3. The word "shall" is mandatory and the word "may" is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. Whenever a word or term is defined in the text of this ordinance, its meaning shall be construed as set forth in such definition.
6. All measured distances expressed in feet shall be to the nearest tenth of a foot.
7. In the event of conflicting provisions, the more restrictive provisions shall apply.

Subd. 2. Definitions. The following words and terms, whenever they occur in this Ordinance, are defined as follows:

1. Accessory Use of Structure - A use of structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.
2. Administrator - the duly appointed person charged with enforcement of this Ordinance.
3. Agricultural Use - the use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following:
 - (a) Field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye sorghum, and sunflowers.
 - (b) Livestock including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink.
 - (c) Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.
4. Apartment - A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.
5. Auto or Motor Vehicle Reduction Yard - A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard)
6. Basement - Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
7. Bed and Breakfast – A guest accommodation offered in a private residence where the owner or host lives on the premises; where the number of guest rooms available does not exceed 6; where breakfast but no other meal or liquor can be served by the host. Said residence must be 75 years or older, as measured as of January 1, 1996,

before it will qualify to be operated as a bed and breakfast. Also, no more than 12 licenses for a bed and breakfast establishment shall be issued and be active at any one time.

8. Boarding House – An entire building where, for compensation and by arrangement for definite periods less than monthly, lodging, cooking facilities and/or meals are provided for groups of people not to exceed twenty persons.
9. Building - Any structure having a roof which may provide shelter or enclosure of person, animals, chattel, or property of any kind, and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
10. Building Line - A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.
11. Building Height - The vertical distance to be measured from the grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
12. Building Setback - The minimum horizontal distance between the building and a lot line, or the normal high water mark of a river.
13. Business - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
14. Carport - An automobile shelter having one or more sides open.
15. Church - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
16. Clear-cutting - The removal of an entire stand of vegetation.
17. Comprehensive Plan or Policies - A compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social and economic development, both public and private, of the city and its environs, as defined in the Minnesota City Planning Act, and including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
18. Conditional Use - A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
 - (a) Certain conditions as detailed in the zoning ordinance exist and
 - (b) The structure and/or land use conform to the comprehensive land use plan and are compatible with the existing neighborhood.
19. Condominium - A form of individual ownership with a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.
20. Cooperative - A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own share in the enterprise.
21. Drive-In - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.
22. Duplex - a two family house or apartment.
23. Dwelling Unit - A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes.
24. Dwelling, Attached - A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

25. Dwelling, Detached - A dwelling which is entirely surrounded by open space on the same lot.
26. Dwelling, Earth-Sheltered - A detached dwelling unit insulated by earth embankment or overburden on both on more than 60% of its outer surface, excluding floor areas, and architecturally designed and landscaped to harmonize with its surrounding naturally existing and man-made feature.
27. Easement - A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, and gas lines.
28. Equal Degree of Encroachment - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
29. Essential Services - Overhead or underground electrical, gas, steam, or water transmission or distribution systems and structures or collection, communication, supply or disposal systems, and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings. For the purpose of this ordinance, the word "buildings" does not include "structures" for essential services.
30. Exterior Storage (Includes Open Storage) - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building,
31. Extraction Area - Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, sand, gravel, stone, or other natural matter, or made by turning or breaking or undermining the surface of the earth.
32. Family - An individual or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, exclusive of usual service.
33. Farm - A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.
34. Feedlots, Animal - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.
35. Fence - Any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary or within the required yard.
36. Flood - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
37. Flood Frequency - The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
38. Flood Fringe - That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Lanesboro.
39. Flood Plain - The beds proper and areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood,
40. Flood Proofing - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
41. Floodway - The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.
42. Floor Area - The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and

including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

43. Floor Area Ratio - the numerical value obtained through dividing the gross floor area of a building or buildings by net area of the lot or parcel of land on which such building or buildings are located.
44. Floor Plan, General - A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
45. Forestry - the use and management, includes longing of a forest, woodland, or plantation and related research and education activities, including the construction, alteration, or maintenance of wood roads, skidways, landings, and fences.
46. Frontage - That boundary of a lot which abuts an existing or dedicated public street.
47. Garage, Private - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
48. Governing Body - Lanesboro City Council.
49. Home Occupation - Any gainful occupation or profession engaged in by the occupant of a dwelling or accessory building including but not limited to professional offices, bed and breakfasts, minor repair services, licensed daycare, photo or art studios, dressmaking, barber shops, beauty shops, crafts, or similar uses. For the purposes of this definition, "Occupant means a natural person who resides in said dwelling or accessory building as his or her personal residence.
50. Hotel - A building which provides a common entrance, lobby, halls and stairway in which people are, for compensation, lodged with or without meals.
51. Junk Yard - An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard or area where 3 or more unlicensed vehicles remain for 30 days or longer, but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills,
52. Kennel - Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale, breeding, or profit.
53. Landscaping - Planting such as trees, grass, and shrubs, and use of decorative stones on lawn areas.
54. Rooming House – A building in which individual rooms are rented as sleeping and living quarters, but without cooking facilities in the individual rooms so rented, by the month or longer. A rooming house must be operated by the occupant of said rooming house, and must be that occupant's "home occupation" as defined in Section 330.02 Subd 2 paragraph 49, of the Lanesboro Zoning and Subdivision Ordinance.
55. Lot - A parcel or portion of land in a subdivision or plat of land, separate from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
56. Lot of Record - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Fillmore County, Minnesota, prior to the effective date of this Ordinance.
57. Lot Area - the area of a lot in a horizontal plane bounded by the lot lines.
58. Lot, Corner - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street.
59. Lot Depth - the mean horizontal distance between the front lot line and the rear lot line of a lot,
60. Lot Line - The property line bounding a lot. This excludes any portion of a lot which extends into the public right-of-way.

61. Lot Line, Front - That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street.
62. Lot Line, Rear - That boundary of a lot which is opposite the front lot line.
63. Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.
64. Lot, Substandard - A lot or parcel of land for which a deed has been recorded in the office of the Fillmore County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks, or other dimensional standards of this Ordinance.
65. Lot, Through - A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.
66. Lot Width - The maximum horizontal distance between the side lot lines of a lot measured within the required setback line.
67. Manufactured Home - A structure, transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein: except that the term includes any structure which meets all the requirements in the Manufactured Home Building Code contained in M.S. 327.31, Subdivision 3.
68. Metes and Bounds - A method of property description in which lot boundaries are described by their direction and distance from an easily identifiable point.
69. Mining - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site without processing. This does not include removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.
70. Mobile home - A manufactured home that is less than 16 feet wide over at least 30 feet of its length in the erected mode, suitable for year round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing and subject to tax or registration under State law, and having no foundation other than wheels, jacks or skirting. Width measurement shall not take account of overhangs and other projections beyond the principal exterior walls.
71. Motel - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located at each unit, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients.
72. Nursery, Landscape - A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without for the purpose of landscape construction.
73. Nursing Home - A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in M.S. 144.50.
74. Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
75. Official Map - The map established by the governing body, in accordance with the County Planning Act (M.S. 394.361), showing streets, highways, parks, and drainage, both existing and proposed.
76. Off-Street Loading Space - A space accessible from a street, alley or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.

77. Open Sales Lot (Exterior Storage) - Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.
78. Parking Space - A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.
79. Pedestrian Way - A public or private right-of-way across or within a block, to be used by pedestrians.
80. Planned Unit Development - A development whereby buildings are grouped or clustered in and around common open space areas in accordance with a pre-arranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowners association.
81. Planning Commission - The Planning Commission of Lanesboro, unless otherwise designated.
82. Prefabricated Home - A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.
83. Principal Structure or Use - The predominant use as contrasted to the accessory use or structure.
84. Property Line - The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cart way, and the like.
85. Protective Covenant - A contract entered into between private parties; which constitutes a restriction of the use of a particular parcel of property.
86. Public Land - Land owned or operated by municipal, school district, county, state, or other governmental units.
87. Reach - the longitudinal segment of a stream or river influenced by a natural or man-made obstruction. This includes the segment of a river between two consecutive bridge crossings.
88. Recreation, Commercial - Such uses as bowling alleys, driving ranges, and movie theaters that are privately owned and operating with the intention of earning a profit by providing entertainment for the public.
89. Recreation, Public - Such uses as tennis courts, bail fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community center, and other sites owned and operated by a unit of government for the purpose of providing recreation.
90. Recreation Equipment - Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, and playhouses exceeding twenty-five square feet of floor area, or sheds utilized for storage of equipment.
91. Reclamation Land - The improvement of land by deposition of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.
92. Registered Land Survey - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number.
93. Regional Flood - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100- year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.
94. Regulatory Flood Protection Elevation - An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
95. Road - A public right-of-way affording primary access by pedestrians or vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated. Ingress and egress easements shall not be considered roads.

96. Selective Cutting - the removal of single scattered trees.
97. Sewage - Any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agriculture or commercial establishment, whether treated or untreated and including the liquid wastes produced by bathing, laundry and culinary operation, and from toilets and floor drains. Raw sewage is sewage which has not been subjected to any treatment process.
98. Sign - A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
99. Sign, Advertising - A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located, including a billboard.
Sinkhole - Any depression in the surface of the ground with or without collapse of adjacent rock which provides a means through which surface water can come in contact with subsurface water.
100. Street - a public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road or way.
101. Street, Collector - A street which serves or is designed to serve as a traffic-way for a neighborhood or as a feeder to a major road.
102. Street, local - A Street intended to serve primarily as an access to abutting properties.
103. Street pavement - The wearing or exposed surface of the roadway used by vehicular traffic.
104. Street width - The width of the right-of-way, measured at right angles to the centerline of the street.
105. Story - That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.
106. Structure - Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 330.05, Subd. 13f of the Ordinance, and other similar items.
107. Structural Alteration - Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
108. Subdivision - The division or re-division of a lot, tract, or parcel of land into two or more lots either by plat or by metes and bounds description.
109. Townhouse - A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.
110. Toxic and Hazardous Wastes - Waste materials including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.
111. Use - The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized, or maintained.
112. Use, Accessory - A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
113. Use, Non-Conforming - Use of land, buildings, or structures legally existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any amendments hereto governing the zoning district in which such use is located.
114. Use, Permitted - A public or private use which of itself conforms to the purposes, objectives, requirements, regulations, and performance standards of a particular district.

115. Use, Principal - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
116. Use, Conditional - See Conditional Use.
117. Variance - A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.
118. Yard - A required open space on a lot which is unoccupied and unobstructed by a structure except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations or the zoning district in which such lot is located.
119. Yard, Rear - The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.
120. Yard, Side - The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.
121. Yard, Front - The area bounded by the front lot line, the side lot lines, and the front yard setback.
122. Zoning Amendment - A change authorized by the City either in the allowed use within a district or in the boundaries of a district.
123. Zoning District - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.
124. Formula Restaurant – A restaurant where menu items are not subject to owner or operator discretion, but are mandated by a parent company, or affiliate, or franchising authority. The owner doesn't have the ability to alter the food preparation or menu, as it is set by another entity.