

CHAPTER 151: ZONING

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GENERAL PROVISIONS

151.01 AUTHORIZATION, INTENT AND PURPOSE

(A) This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. ' ' 462.351 et seq. The intent of this chapter is to ensure public health, safety and general welfare in accordance with the adopted development goals, plans and policies as stated hereto. This plan for the city is to ensure that the land uses of the city are properly situated in relation to one another, providing for adequate space for each type of development; to control the density of development in each area of the city so that the property can be adequately serviced by such governmental facilities as streets, schools, recreation and utilities systems; to direct new growth into appropriate areas; to protect existing property by requiring that the development afford adequate light, air and privacy for persons living and working within the city; to improve the quality of the physical environment of the city; to protect and maintain property values, and to preserve and develop the economic base of the city.

(B) This chapter is not in effect until the provisions of ' 151.05 are complied with and notice and public hearing is provided as required by M.S. ' 462.357 Subd. 3, as it may be amended from time to time.

151.02 TITLE

This chapter, together with the zoning map required at ' 151.05, shall be known as the Lanesboro City Zoning Ordinance.

151.03 INTERPRETATIONS OF TERMS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage unless such meaning is clearly contrary to the intent of this chapter and so as to give this chapter its most reasonable application. For the purpose of this chapter, the words must and shall are mandatory and may is permissive. All distances, unless otherwise specified, shall be measured horizontally. For the purpose of this chapter, the terms in ' 151.04 have the meanings given them.

151.04 DEFINITION OF TERMS

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE OR FACILITY. Any building or improvement located on the same lot as the principal use subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

ACCESSORY USE. A use on the same lot with and incidental and subordinate to the principal use or structure or facility.

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:

- Field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye sorghum, and sunflowers.
- Livestock including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits, and mink.
- Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.

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.

BED AND BREAKFAST. A guest accommodation offered in a private residence where the owner or host lives on the premises; there 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.

BOARDING HOUSE. An entire building where, for compensation and by arrangement for definite periods less than monthly, lodging, cooking facilities and/or small meals is provided for groups of people not to exceed twenty persons.

BUILDING. Any structure having a roof supported by columns, walls or other means of support for the shelter or enclosure of persons or property.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback

beyond which a structure may not extend.

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.

CLEAR-CUTTING. The removal of an entire stand of vegetation.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services and other activities carried out for financial gain.

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, 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.

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.

CONDITIONAL USE. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. The city may impose additional conditions in specific instances to protect the health, safety and welfare.

DECK. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to principal use or site and at any point extending more than three feet above ground level.

DWELLING, DUPLEX, TRIPLEX and QUAD. A dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping cooking, eating, living and sanitation facilities.

DWELLING, MULTIPLE. A building or portion thereof used for occupancy by three or more families living independently of each other.

DWELLING, ONE-FAMILY. A building used exclusively for occupancy by one family.

DWELLING, TWO-FAMILY. A building used exclusively for occupancy by two families living independently of each other.

DWELLING SITE. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING UNIT. Any structure or portion of a structure or other shelter designed as short or long-term living quarters for one or more persons, including rental or time-share accommodations, such as motel, hotel and resort rooms and cabins.

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.

EXTERIOR STORAGE. The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

FEEDLOTS. 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.

FORMULA RESTAURANT. A restaurant where menu items are not subject to owner or operator discretion, but are mandated by the 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.

HOTEL. A building which provides a common entrance, lobby, halls and stairway in which people are, for compensation, lodged with or without meals.

HOME OCCUPATION. A lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same building. Such occupation must be clearly secondary to the principal use and not change the nature of the principal use.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

JUNK YARD. Land and structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or wrecking of automobiles or other machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

LIGHT INDUSTRIAL. The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare or health or safety hazards outside the building or lot where the assembly, fabrication or processing takes place, where the processes are housed entirely within a building, or where the outdoor storage of goods and materials used does not exceed 25% of the floor area of all buildings on the lot.

LOT. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels or portions by that description for the purpose of sale, lease or separation. A lot must be situated and have its principal frontage on a public street.

LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A line of record bounding a lot which divides a lot from another lot, a public street or any other public or private space.

LOT LINE, FRONT. A lot line abutting a dedicated public right-of-way.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. In the case of corner lots, the rear lot line shall be determined by the zoning administrator based upon characteristics of the surrounding neighborhood.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

MANUFACTURED HOME. A structure, transportable in one or more sections which in the traveling mode is eight feet or more in width or 40 body 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 with or without permanent foundation when connected to required utilities, and includes the plumbing, heating and air conditioning and electrical systems contained therein, and which meets all the requirements established under M.S. ' 327.31, as it may be amended from time to time, the Manufactured Home Building Code.

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.

NONCONFORMING STRUCTURE OR USE. A structure or use lawfully in existence on the effective date of this chapter or any amendment thereto, and not conforming to the regulations for the district in which it is situated.

NONCONFORMITY. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

PLANNED UNIT DEVELOPMENT, COMMERCIAL. Typically include uses that provide transient, short-term lodging spaces, rooms or parcels, and their operations are essentially service-oriented. For example: hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are Commercial Planned Unit Developments.

PLANNED UNIT DEVELOPMENT, RESIDENTIAL. A use where the nature of residency is non-transient, and major or primary focus is not service-oriented. For example: residential apartments, manufactured home parks, townhouses and full-fee ownership residences would be considered as Residential Planned Unit Developments. To qualify as a Residential Planned Unit Development, a development must contain at least five dwelling units or sites.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towed by a light duty truck and is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RESTAURANT. An establishment in which food and/or drink is offered or prepared and served for public consumption and is served to customers at tables by employees. Restaurants may include incidental take-out service.

ROOMING HOUSE. A building in which individual rooms are rented as sleeping and living quarter, 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.

SETBACK. The minimum distance from any lot line that an improvement may be placed, measured perpendicularly from the lot line to the closest point of the improvement.

SETBACK LINE. The line which is the specified setback -distance from and parallel to any lot line, or other

specified line, such as the ordinary high water level, edge of wetland, floodplain, or top of bluff.

STORAGE. Goods, materials or equipment placed or left in a location on a premises.

STRUCTURE. Anything constructed, placed or erected on or attached to, in some manner, the ground.

STRUCTURE, PRINCIPAL. The building in which is conducted the primary use of the lot on which the building is located.

USE. The purpose or activity for which a premises is designed, arranged or intended or for which it is or may be occupied or maintained.

WIND ENERGY CONVERSION SYSTEM OR WINDMILL. An apparatus capable of converting wind energy into electricity.

YARD. An open space unobstructed from the ground upward with the exception of landscape materials and minor fixtures of a non-structural nature commonly found in a yard.

YARD, FRONT. The area between the front lot line and the front setback line.

YARD, REAR. The area between the rear lot line and the rear setback line.

YARD, SIDE. A space extending from the front yard to the rear yard along a side lot line measured perpendicularly from the side lot line to the closest point of a structure.

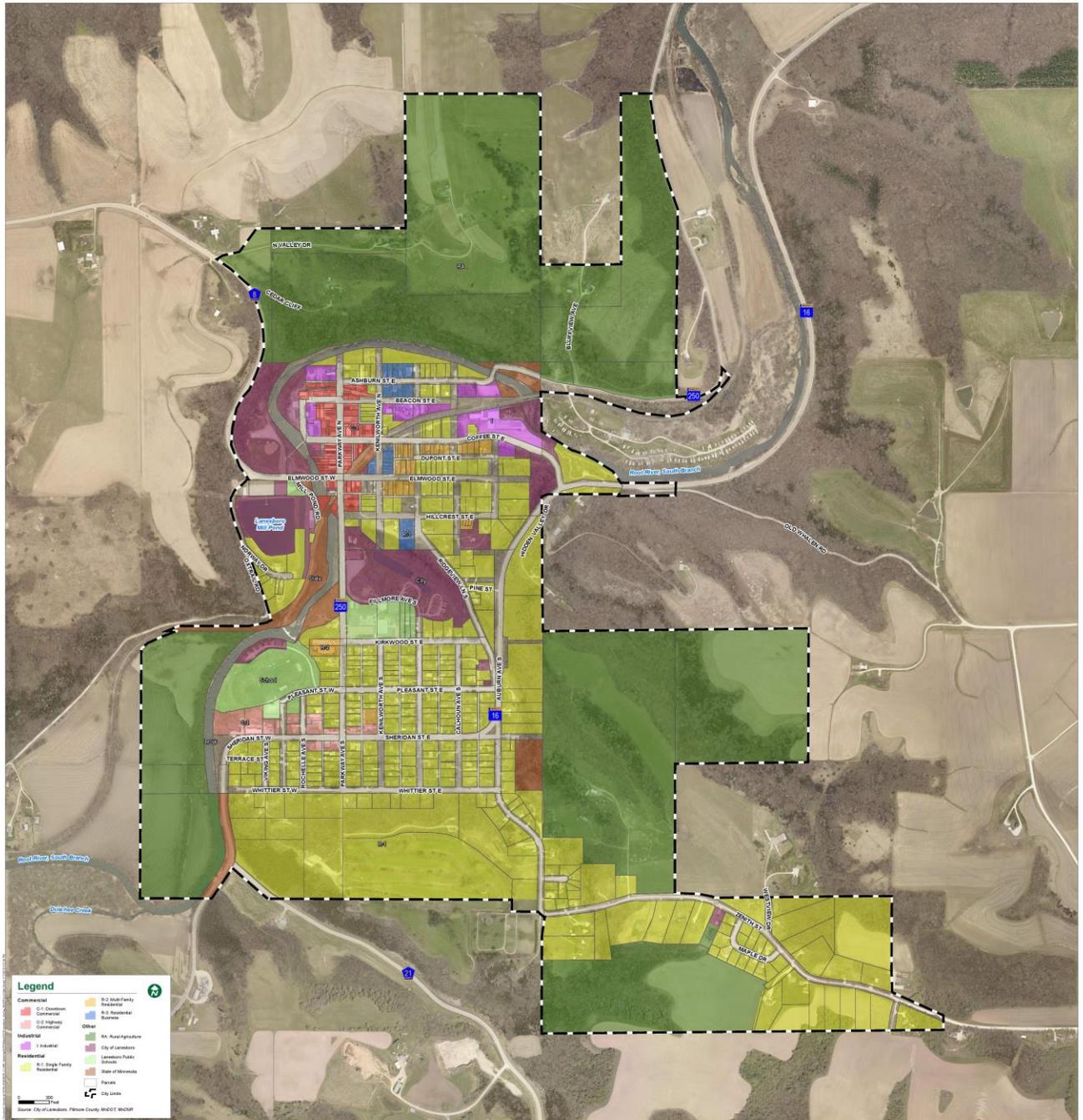
ZONING ADMINISTRATOR. The City Clerk or other person designated by the City Council to administer and enforce the provisions of this chapter.

151.05 ZONING MAP.

(A) This chapter has no effect until the boundaries of the use districts are delineated on an Official Zoning Map, created pursuant to M.S. ' 462.357, Subd. 1, as it may be amended from time to time, which, once it is adopted by ordinance after notice and hearing as provided in M.S. ' 462.357, Subd. 3, as it may be amended from time to time, is hereby adopted by reference and declared to be a part of this chapter. This map shall be on permanent file and available for public inspection in the City Office. It shall be the responsibility of the Clerk or other person appointed by the City Council to administer this chapter to maintain and keep the map up to date.

(B) All property within the city shall have the zoning designation shown on the official zoning map. If there is any discrepancy or inconsistency between the official zoning map and any other map, ordinance or source which purports to indicate the zoning of property, the official zoning map shall take precedence. The provisions of this section shall not be interpreted to require the city to zone all properties within the city limits or to prevent zoning of only a portion of the city.

(C) Zoning district boundary lines shown on the official zoning map are intended to follow lot lines, the center lines of streets or alleys, the center lines of street or alleys projected, railroad right-of-way lines, the center of watercourses or the corporate limits of the city, unless otherwise specifically indicated.



151.06 ANNEXED LAND.

Any land hereafter annexed to the city shall be considered to be in the district that is delineated on the adjacent areas than are designated for orderly annexation, unless otherwise reclassified.

151.07 COMPLIANCE WITH ORDINANCE.

(A) No structure or land shall hereafter be used or occupied and no structure shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with the regulations specified in the Zoning Ordinance for the district in which it is located.

(B) The provisions of this chapter shall be minimum requirements. Where the conditions imposed by any provision of this chapter differ from those required by any statute or other ordinance of the city, the regulations which are more restrictive or which impose the higher standard shall prevail.

Penalty, see ' 151.99

151.08 SEVERABILITY.

Every section or subdivision of this chapter is declared separable from every other section or subdivision. If any section or subdivision is held to be invalid by competent authority, no other section or subdivision shall be invalidated by such action or decision.

ZONING DISTRICTS

151.20 CLASSIFICATION OF ZONING DISTRICTS.

- A. R-1 Single Family Residential District
- B. R-2 Multi-Family Residential District
- C. R-3 Residential Business District
- D. MH Mobile Home District
- E. C-1 Downtown Commercial District
- F. C-2 Highway Commercial District
- G. Industrial District
- H. RA Rural Agriculture District

151.21 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The purpose of the R-1 Single Family Residential District is to provide for moderate density one and two-family dwelling units and directly related, complementary uses.

(B) *Permitted uses and structures.*

- (1) One and two-family dwelling units.
- (2) Public, government owned parks, playgrounds, athletic fields and other public recreational uses.
- (3) Churches and places of religious assembly, public and private schools and government-owned buildings and facilities.
- (4) Agricultural gardens and forestry.
- (5) Manufactured homes which meet the standards set forth in ' 151.24.

(6) As required by M.S. ' 462.357, Subd. 7, as it may be amended from time to time, a state licensed residential facility or a housing with services establishment registered under M.S. Ch. 144D, as it may be amended from time to time, serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minn. Rules, parts 9502.0315 to 9502.0445, as it may be amended from time to time, to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

(7) Bed and Breakfasts with two rooms or less.

(C) *Accessory uses.*

(1) Customary accessory uses incidental to the principal uses such as gardens, private garages, screen porches, play equipment, signs, as set forth in division (D)(1) of this section, one storage shed not exceeding 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located, satellite dishes and antennae, solar equipment, greenhouses not exceeding 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located and swimming pools intended for single-family use.

(2) The renting of rooms by a resident family for lodging purposes only, and for not more than two rooms in a one-family dwelling.

(D) *Conditional uses.* Within the R-1 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (I) of this section.

(1) Home occupations in a residence.

(2) Hospitals and nursing homes, licensed day care centers serving 12 or more persons and cemeteries.

(3) Accessory buildings other than those listed in (C)(1), including storage sheds and green houses over 12 feet in height or 500 square feet or covering more than 30% of the area of the side or rear yard in which they are located.

(4) Wind energy conversion systems or windmills.

(5) Private recreational facilities as a principal use and excluding accessory play equipment and swimming pools intended for single family use.

(6) Inns and Bed and Breakfasts with 3 to 6 rooms.

(7) Golf courses, excluding miniature golf courses.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in an R-1 District, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* 7,000 square feet.

(2) *Lot width.* 50 feet.

(3) *Setbacks.*

(a) *Front yards.* Not less than 30 feet;

(b) *Side yards.* 6 feet.

(c) *Side yards, corner lots.* 25 feet on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

(d) *Rear yards.* 20 feet.

(4) *Detached accessory building setback requirements.* Not less than 5 feet from rear yard line and not less than 4 feet from the side yard lines in the rear yard. On corner lots not less than 25 feet from the adjacent street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

(5) *Access.* All lots shall front on and have ingress and egress by means of a public right-of-way.

(6) For detached garages with side-on entries, adjacent to the alley, a rear yard setback of 3 feet shall apply.

(F) *Building requirements; height.* No structure shall exceed 2 stories or 35 feet, whichever is less.

(G) *Parking.* Refer to ' ' 151.35 through 151.39.

(H) *Height limitations.* Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by ' ' 150.04.

(I) *Conditional use permit standards for the R-1 Single-Family Residential District.*

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses are subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to affect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;

(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

(d) The use does not have an undue adverse impact on the public health, safety or welfare.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

(a) Licensed day care facilities for 15 or more persons:

1. Located only on a collector or arterial roadway as designated in the comprehensive plan, if one exists, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;

3. Pick-up and drop-off areas located outside of parking setback area;

4. Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties; and

5. One parking space provided for each six children based upon the licensed capacity of the center;

(b) Storage sheds or greenhouses in excess of 500 square feet of gross floor area or 12 feet in height or occupying more than 30% of the side or rear yard in which they are located:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater:

2. Not to be used for commercial activities:

3. Structure to be architecturally consistent with the principal structure;

4. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;

5. Minimum lot size of four acres; and

6. Must be located in a side or rear yard.

(c) Home occupations in a residence:

1. Such occupation shall be carried on in the-main building;

2. Not more than 25% of the floor space of the residence is used for this purpose;

3. No articles for sale be displayed so as to be visible from the street;

4. The conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling;

5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;

6. Only limited retail sales activity;

7. Maximum of one outside employee;

8. Adequate off-street parking based on number of employees and customers per day;

9. Parking area screened from offsite views;

10. No outside storage;

11. Shall not result in significant levels of noise, air or other pollution and shall meet the performance standards of ' 151.30;

12. Business hours restricted to no more than 8:00 a.m. to 9:00 p.m.; and

13. Outside parking of no more than one commercial type vehicle or vehicle identified for

business purposes not to exceed one ton capacity which is used for both personal and business transportation. The vehicle is to be owned and registered by an occupant of the property and parked in a screened location.

(d) Private recreational facilities as a principal use:

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
2. Buildings set back 50 feet from all property lines;
3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped in accordance with ' 151.31;
4. Signs shall be designed to be consistent with the principal use;
5. Adequate off-street parking based on number of employees and customers per day;
6. Parking area and waste management areas screened from offsite views;
7. No outside storage; and
8. Shall not result in significant levels of noise, air or other pollution.

(e) Wind energy conversion systems (WECS):

1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;
3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
4. Compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;
5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition;
6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice; and
7. The WECS shall meet the performance standards of ' 151.30.

(f) Hospitals or nursing homes:

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local

residential streets;

2. Buildings set back 50 feet from all property lines;
 3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;
 4. Signs shall be designed to be consistent with the principal use;
 5. Adequate off-street parking based on number of employees and customers per day;
 6. Parking area and waste management areas screened from offsite views;
 7. No outside storage; and
 8. Shall not result in significant levels of noise, air or other pollution and shall meet the performance standards of ' 151.30.
- Penalty, see ' 151.99

151.22 R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The purpose of the R-2 Multiple Family Residential District is to provide for medium density housing in multiple family structures and directly related complementary uses.

(B) *Permitted uses and structures.*

- (1) Any permitted use in a Single-Family Residential District.
- (2) Multiple-family dwelling.

(C) *Accessory uses.* Any accessory use permitted in Single-Family Residential District.

(D) *Conditional uses.* Within the R-2 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (H) of this section.

(1) Any conditional use permitted in Single-Family Residential District.

(2) As required by M.S. ' 462.357, Subd. 8, a state licensed residential facility serving from 7 through 16 persons under M.S. Ch. 144D, as it may be amended from time to time, or a licensed day care facility serving from 13 through 16 persons.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in R-2 Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* 10,000 square feet for one and two-family dwellings and 3,000 square feet per dwelling unit for multiple-family dwellings.

(2) *Lot width.* 75 feet for one and two-family dwellings, and 100 feet for multiple family dwellings.

(3) *Setbacks.*

(a) *Front yards.* Not less than 30 feet.

(b) *Side yards.* 15 feet.

(c) *Side yards, corner lots.* 25 feet on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

(d) *Rear yards.* 30 feet.

(4) *Detached accessory building setback requirements.* Not less than 5 feet from the rear lot line and not less than 4 feet from the side yard line in the rear yard. On corner lots, not less than 25 feet from adjacent lot which has its front yard on the same street.

(5) All lots shall front on and have ingress and egress by means a public right-of-way.

(F) *Parking.* Refer to ' ' 151.35 through 151.39.

(G) Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by ' 150.04.

(H) Conditional use permits standards for the R-2 Multiple-Family Residential District.

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses are subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to affect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;

(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

(d) The use does not have an undue adverse impact on the public health, safety or welfare.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

(a) A state licensed residential facility serving from 7 through 16 persons under M.S. Ch. 144D, as it may be amended from time to time, or a licensed day care facility serving from 13 through 16 persons.

1. Located only on a collector or arterial roadway as designated in the comprehensive plan, if one exists, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;

3. Pick-up and drop-off areas located outside of parking setback area;
4. Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties;
5. One parking space provided for each six attendees based upon the licensed capacity of the center; and
6. Meets the performance standards of ' 151.30.

(b) Storage sheds or greenhouses in excess of 500 square feet of gross floor area or 12 feet in height or occupying more than 30% of the side or rear yard in which they are located:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;
2. Not to be used for commercial activities:
3. Structure to be architecturally consistent with the principal structure:
4. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;
5. Minimum lot size of four acres;
6. Must be located in a side or rear yard.

(c) *Home occupations in a residence:*

1. Such occupation shall be carried on in the-main building;
2. Not more than 25% of the floor space of the-residence is used for this purpose;
3. No articles for sale are displayed so as to be visible from the street;
4. The conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling;
5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;
6. Only limited retail sales activity;
7. Maximum of one outside employee;
8. Adequate off-street parking based on number of employees and customers per day;
9. Parking area screened from offsite views;
10. No outside storage;
11. Shall not result in significant levels of noise, air or other pollution and meets the

performance standards of ' 151.30;

12. Business hours restricted to no more than 8:00 a.m. to 9:00 p.m.; and

13. Outside parking of no more than one commercial type vehicle or vehicle identified for business purposes not to exceed one ton capacity which is used for both personal and business transportation. The vehicle is to be owned and registered by an occupant of the property and parked in a screened location.

(d) *Private recreational facilities as a principal use:*

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines;

3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;

4. Signs shall be designed to be consistent with the principal use;

5. Adequate off-street parking based on number of employees and customers per day;

6. Parking area and waste management areas screened from offsite views;

7. No outside storage; and

8. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of ' 151.30.

(e) *Wind energy conversion systems (WECS):*

1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;

2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;

3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;

4. Compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;

5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition;

6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice; and

7. The WECS shall meet the performance standards of ' 151.30.

(f) *Hospitals or nursing homes:*

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines;

3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;

4. Signs shall be designed to be consistent with the principal use;

5. Adequate off-street parking based on number of employees and customers per day;

6. Parking area and waste management areas screened from offsite views;

7. No outside storage; and

8. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of ' 151.30.

Penalty, see ' 151.99

151.23 R-3 RESIDENTIAL BUSINESS DISTRICT.

(A) *Purpose.* To allow an appropriate mixture of multi-family residential and office or limited retail uses in areas which are provided with City water and sewer.

(B) *Permitted uses and structures.*

(1) Any permitted use in a Single-Family Residential District.

(2) Any permitted use in a Multi-Family Residential District.

(C) *Accessory uses.* Any accessory use permitted in Single-Family Residential District and the Multi-Family Residential District.

(D) *Conditional uses.* Within the R-3 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (H) of this section.

(1) Any conditional use permitted in Single-Family Residential District or Multi-Family District.

(2) As required by M.S. ' 462.357, Subd. 8, a state licensed residential facility serving from 7 through 16 persons under M.S. Ch. 144D, as it may be amended from time to time, or a licensed day care facility serving from 13 through 16 persons.

(3) Boarding House

(4) Retail stores and Restaurants seating 30 or less people.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in R-2

Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* 9,000 square feet for one and two-family dwellings and 3,000 square feet per dwelling unit for multiple-family dwellings.

(2) *Lot width.* 75 feet for one and two-family dwellings, and 100 feet for multiple family dwellings.

(3) *Setbacks.*

(a) *Front yards.* Not less than 30 feet.

(b) *Side yards.* 15 feet.

(c) *Side yards, corner lots.* 25 feet on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

(d) *Rear yards.* 30 feet.

(4) *Detached accessory building setback requirements.* Not less than 5 feet from the rear lot line and not less than 4 feet from the side yard line in the rear yard. On corner lots, not less than 25 feet from adjacent lot which has its front yard on the same street.

(5) All lots shall front on and have ingress and egress by means a public right-of-way.

(F) *Parking.* Refer to ' ' 151.35 through 151.39.

(G) Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by ' 150.04.

(H) Conditional use permits standards for the R-3 Multiple-Family Residential District.

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses are subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to affect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;

(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

(d) The use does not have an undue adverse impact on the public health, safety or welfare.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this

subdivision will be met.

(a) A state licensed residential facility serving from 7 through 16 persons under M.S. Ch. 144D, as it may be amended from time to time, or a licensed day care facility serving from 13 through 16 persons.

1. Located only on a collector or arterial roadway as designated in the comprehensive plan, if one exists, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;

3. Pick-up and drop-off areas located outside of parking setback area;

4. Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties;

5. One parking space provided for each six attendees based upon the licensed capacity of the center; and

6. Meets the performance standards of ' 151.30.

(b) Storage sheds or greenhouses in excess of 500 square feet of gross floor area or 12 feet in height or occupying more than 30% of the side or rear yard in which they are located:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;

2. Not to be used for commercial activities;

3. Structure to be architecturally consistent with the principal structure;

4. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;

5. Minimum lot size of four acres;

6. Must be located in a side or rear yard.

(c) *Home occupations in a residence:*

1. Such occupation shall be carried on in the-main building;

2. Not more than 25% of the floor space of the-residence is used for this purpose;

3. No articles for sale are displayed so as to be visible from the street;

4. The conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling;

5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;

6. Only limited retail sales activity;
7. Maximum of one outside employee;
8. Adequate off-street parking based on number of employees and customers per day;
9. Parking area screened from offsite views;
10. No outside storage;
11. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of ' 151.30;
12. Business hours restricted to no more than 8:00 a.m. to 9:00 p.m.; and
13. Outside parking of no more than one commercial type vehicle or vehicle identified for business purposes not to exceed one ton capacity which is used for both personal and business transportation. The vehicle is to be owned and registered by an occupant of the property and parked in a screened location.

(d) *Private recreational facilities as a principal use:*

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
2. Buildings set back 50 feet from all property lines;
3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;
4. Signs shall be designed to be consistent with the principal use;
5. Adequate off-street parking based on number of employees and customers per day;
6. Parking area and waste management areas screened from offsite views;
7. No outside storage; and
8. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of ' 151.30.

(e) *Wind energy conversion systems (WECS):*

1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;
3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
4. Compliance with all building and electrical code requirements of the city, the noise

regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;

5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition;

6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice; and

7. The WECS shall meet the performance standards of ' 151.30.

(f) *Hospitals or nursing homes:*

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan, if any, or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines;

3. No more than 70% of the site to be covered with impervious surface and the remainder to be suitably landscaped;

4. Signs shall be designed to be consistent with the principal use;

5. Adequate off-street parking based on number of employees and customers per day;

6. Parking area and waste management areas screened from offsite views;

7. No outside storage; and

8. Shall not result in significant levels of noise, air or other pollution and meets the performance standards of ' 151.30.

Penalty, see ' 151.99

151.24 MANUFACTURED HOME PARKS.

(A) *General.* Manufactured home parks that are licensed by the State Department of Health are conditional uses in any zoning district that allows the construction or placement of a building used or intended to be used by two or more families. All manufactured home parks shall, in addition to any requirements imposed by rule of the State Department of Health or law, meet the following performance standards and any other conditions placed on them by the conditional use permit.

(B) *Permitted uses and structures.*

(1) Manufactured homes.

(2) Essential services such as water, sewer, telephone and electric utilities.

(C) *Accessory uses.*

(1) Recreational vehicles and equipment.

(2) Recreational facilities, gardens, commons and open space which are operated for the enjoyment and convenience of the residents of the principal use and their guests, such as tennis courts and swimming pools.

(3) Building for storage of maintenance equipment incidental to the principal use.

(4) Solar panels and equipment.

(D) *Conditional use.* Customary home occupations as set forth in ' 151.21(D).

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in a manufactured home park, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* Each individual manufactured home site shall contain at least 5,000 square feet for exclusive use of the occupant.

(2) *Lot width.* Each individual manufactured home site shall have a lot width of at least 50 feet.

(3) *Setbacks for each individual manufactured home site.*

(a) *Front yards.* Not less than 15 feet.

(b) *Side yards.* 5 feet.

(c) *Rear yards.* 8 feet.

(4) *Detached accessory building setback requirements.* Not less than 5 feet from the rear lot line and not less than 4 feet from the side yard lines in the rear yard.

(F) *Parking.* Refer to ' ' 151.35 through 151.39.

Penalty, see ' 151.99

151.25 MANUFACTURED HOMES.

The city authorizes the placement of manufactured homes in residential districts within the city if such manufactured homes comply with the following conditions:

(A) Manufactured homes shall comply with all zoning regulations for the district in which they are located.

(B) A building permit and any other required permits shall be obtained for manufactured homes.

(C) All such manufactured homes shall be built in compliance with any Minnesota Statutes regulating manufactured homes.

(D) Connection to city utilities, if available, shall be required.

Penalty, see ' 151.99

151.26 C-1 DOWNTOWN COMMERCIAL DISTRICT.

(A) *Purpose.* The purpose of the C-1 Central Business District is in recognition of the existing downtown business and commercial development and the need for its future expansion, rehabilitation and redevelopment.

(B) *Permitted uses and structures.*

(1) Business and commercial establishments including:

(a) Retail establishments, including grocery, hardware, drug, clothing, variety and furniture stores; eating and drinking places (not including Formula Restaurants), auto dealers, automobile service stations, farm implement dealerships, farm supply stores, seasonal evergreen sales and meat locker shops.

(b) Personal services, including laundries, beauty shops, barber shops, funeral homes, shoe repair shops, printing and publishing shops and photographic studios.

(c) Professional services, including medical and dental clinics and attorney's offices.

(d) Repair services, including automobile, jewelry, radio and television repair shops, appliance repair shops, farm and implement repair shops, plumbing contractor's shop and electrical contractor's shop.

(e) Entertainment and amusement services, including motion picture theatres, recreation halls and bowling alleys.

(f) Lodging services, including hotels and motels.

(g) Finance, insurance, real estate and tax services.

(2) Public and semi-public buildings, including post office, fire hall and city hall.

(3) Private clubs.

(4) Apartments provided they are located above the first floor level and do not exceed 5 units.

(5) Automobile parking lots.

(6) Essential services, such as sewer, water, telephone and electric utility facilities.

(7) Churches and places of religious assembly.

(C) *Accessory uses.* Uses incidental to the foregoing principal uses, such as off-street parking and loading and unloading areas, signs, indoor storage of merchandise and wholesaling and manufacturing, when incidental to a permitted use, solar panels, satellite dishes and antennas.

(D) *Conditional uses.* Within the C-1 District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (I) of this section.

(1) One and two-family dwellings and multiple-family dwellings, including manufactured homes meeting the standards as set forth in ' 151.24, and manufactured home parks licensed by the state.

(2) Nonresidential licensed day care facilities.

(3) Outdoor storage incidental to a principal use.

(4) Drive-thru or drive-up window accessory to a principal use.

(5) Sidewalk cafes and outdoor eating or dining areas accessory to a principal use.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in C-1 Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* 2,000 square feet.

(2) *Lot width.* 25 feet.

(3) *Setbacks.*

(a) *Front yards.* No infill development shall be closer to the front lot line than adjacent commercial uses.

(b) *Side yards.* None.

(c) *Rear yards.* 10 feet.

(4) All lots shall front on and have ingress and egress by means of a public right-of-way.

(F) *Building requirements; height.* No structure shall exceed 3 stories or 45 feet, whichever is less.

(G) *Parking.* Refer to ' ' 151.35 through 151.39.

(H) *Height limitations.* Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by ' ' 150.04.

(I) *Conditional use permit standards for the C-1 Central Business District.*

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses are subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to affect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;

(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

(d) The use does not have an undue adverse impact on the public health, safety or welfare.

(e) The use meets meet the performance standards of ' ' 151.30.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this division (I) will be met.

(a) One and two family dwellings and multiple-family dwellings, including manufactured homes meeting the standards set forth in ' 151.24 and manufactured home parks licensed by the state.

1. Building and site design shall provide a quality residential environment which is compatible with the permitted use;

2. At least two off-street parking spaces must be provided for the each residential unit, with such parking to be in a garage, carport or on a paved area specifically intended for that purpose;

3. The dwelling unit must be in compliance with all applicable building, housing, electrical, plumbing, heating and related city codes;

4. The use will be permitted only where the dwelling unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the neighborhood character;

5. The city may require buffering or screening if needed.

(b) Nonresidential licensed daycare facilities.

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center;

2. Outdoor play areas shall be fenced and located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas (if any);

3. One parking space for each six attendees based on the licensed capacity of the center shall be provided; and

4. Shall obtain all applicable state, county and city licenses.

(c) Outdoor storage incidental to a principal use.

1. Outdoor storage shall not be located within 100 feet of any residential parcel;

2. Outdoor storage shall be screened by suitable materials, such as a fencings or natural landscaping features (trees, shrubbery, berms), as determined by Council. The screen must be, at minimum, equal to the height of the tallest item stored on the site;

3. Outdoor storage must be located in a rear or side yard;

4. Shall be kept in a neat and orderly fashion;

5. Shall not contain any unlicensed or inoperable motor vehicles; and

6. Shall not be operated in a manner as to constitute a nuisance or harborage of rodents or other wild animals.

(d) Drive-thru or drive-up windows accessory to a principal use.

1. Drive-up windows and stacking areas shall not be located adjacent to any residential parcel;

2. Stacking areas shall provide for a minimum of six cars per aisle;

3. Public address system shall not be audible from any residential parcel;
4. Drive-up windows and stacking areas shall be screened with suitable materials from adjacent parcels; and
5. Drive-up windows shall be designed to avoid interfering with traffic and pedestrian movements.

(e) Sidewalk cafes and outdoor eating or dining areas accessory to a principal use.

1. Shall be located in a controlled or cordoned-area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;
2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;
3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;
4. Shall not be located to obstruct parking spaces;
5. Shall be located adjacent to an entrance to the principal use;
6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up; and
7. Shall not have speakers or audio equipment which is audible from adjacent parcels.

Penalty, see ' 151.99

151.27 C-2 HIGHWAY COMMERCIAL DISTRICT.

(A) *Purpose.* The purpose of the C-2 Commercial District is to provide for commercial development outside of the C-1 Downtown Commercial District.

(B) *Permitted uses and structures.* All uses of a commercial nature, including retail, light industrial, wholesale, service, office, financial, recreational, professional, lodging, and sexually oriented businesses in compliance with Chapters 119 and 153, Formula Restaurants, including all uses permitted in the C-1 Central Business District, and those other commercial uses as are not considered industrial as listed in ' 151.27.

(C) *Accessory uses.* Those accessory uses permitted in the C-1 Central Business District.

(D) *Conditional uses.* Within the C-2 district no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in section (I) of this ordinance: All conditional uses permitted in the C-1 District.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in C-2 Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

- (1) *Lot area.* 10,000 square feet.
- (2) *Lot width.* 100 feet.

(3) *Setbacks.*

(a) *Front yards.* 45 feet from front lot line..

(b) *Side yards.* 20 feet.

(c) *Rear yards.* 20 feet.

(4) All lots shall front on and have ingress and egress by means of a public right-of-way.

(F) *Building requirements; height.* No structure shall exceed three stories or 45 feet, whichever is less.

(G) *Parking.* Refer to ' ' 151.35 through 151.39.

(H) Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by ' 150.04.

(I) Conditional use permit standards for the C-2 Central Business District.

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses are subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to affect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;

(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

(d) The use does not have an undue adverse impact on the public health, safety or welfare; and

(e) The use meets the performance standards of ' 151.30.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this subdivision will be met.

(a) *One and two family dwellings and multiple family dwellings, including manufactured homes meeting the standards set forth in ' 151.24 and manufactured home parks licensed by the state.*

1. Building and site design shall provide a quality residential environment which is compatible with the permitted use;

2. At least two off-street parking spaces must be provided for each residential unit, with such parking to be in a garage, carport or on a paved area specifically intended for that purpose;

3. The dwelling unit must be in compliance with all applicable building, housing, electrical, plumbing, heating and related city codes;

4. The use will be permitted only where the dwelling unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the neighborhood character; and

5. The city may require buffering or screening if needed.

(b) *Nonresidential licensed daycare facilities.*

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center;

2. Outdoor play areas shall be fenced and located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas (if any);

3. One parking space for each six attendees based on the licensed capacity of the center shall be provided; and

4. Shall obtain all applicable state, county and city licenses.

(c) *Outdoor storage incidental to a principal use.*

1. Outdoor storage shall not be located within 100 feet of any residential parcel;

2. Outdoor storage shall be screened by suitable materials, such as a fencing or natural landscaping features (trees, shrubbery, berms), as determined by Council. The screen must be, at minimum, equal to the height of the tallest item stored on the site;

3. Outdoor storage must be located in a rear or side yard;

4. Shall be kept in a neat and orderly fashion;

5. Shall not contain any unlicensed or inoperable motor vehicles; and

6. Shall not be operated in a manner as to constitute a nuisance or harborage of rodents or other wild animals.

(d) *Drive-thru or drive-up windows accessory to a principal use.*

1. Drive-up windows and stacking areas shall not be located adjacent to any residential parcel;

2. Stacking areas shall provide for a minimum of six cars per aisle;

3. Public address system shall not be audible from any residential parcel;

4. Drive-up windows and stacking areas shall be screened with suitable materials from adjacent parcels; and

5. Drive-up windows shall be designed to avoid interfering with traffic and pedestrian

movements.

(e) *Sidewalk cafes and outdoor eating or dining areas accessory to a principal use.*

1. Shall be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;

2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;

3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;

4. Shall not be located to obstruct parking spaces;

5. Shall be located adjacent to an entrance to the principal use;

6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up; and

7. Shall not have speakers or audio equipment which is audible from adjacent parcels.

151.28 INDUSTRIAL.

(A) *Purpose.* The purpose of the I Industrial District is to provide for industrial development outside of the other districts authorized by this chapter. Development within the district shall be regulated through the performance standards outlined in ' 151.30 of this chapter to promote sensitive site design and to mitigate external site impacts.

(B) *Permitted uses and structures.* Within the I District no structure or land may be used except for the following uses occurring within an enclosed building:

(1) Warehouse

(2) Storage

(3) Manufacturing

(4) Processing

(5) Office

(6) Wholesale

(7) Research

(8) Government buildings

(9) Other such industrial uses which in the determination of the City Council and as formally documented will be compatible and will not be detrimental to uses allowed in this or contiguous districts.

(C) *Accessory structures and uses.* Within the I District the following accessory uses are permitted provided they are subordinate to and associated with a permitted use:

- (1) Living quarters for security personnel, provided they are located within the principal structure;
- (2) Overnight outside storage of vehicles, provided the vehicles are associated with the business and are screened from view from residential properties or public views;
- (3) Outside storage, including fuel storage, provided it is screened from general public view;
- (4) Retail or service uses not exceeding 25% of the gross floor area of the principal structure;
- (5) Other uses customarily associated with but subordinate to a permitted use, as determined by the city.
- (6) Solar panels and equipment, satellite dishes and-antennas.

(D) *Conditional uses.* Within the I District no land or structure may be used for the following except by conditional use permit and in conformance with the performance standards contained in ' 151.30 of this ordinance:

- (1) Retail or service uses occupying between 25% and 50% of the gross area of the principal structure.
- (2) Wind energy conversion systems or windmills.

(E) *District standards.* No building or land in the I District shall be used except in conformance with the following:

- (1) *Building height.* Maximum of 45 feet or three stories, whichever is less;
- (2) *Front yard setback.* Minimum of 35 feet from local and neighborhood collector streets as identified in the comprehensive plan, if any, or the zoning map if no comprehensive plan is in existence; or a minimum of 50 feet from railroad lines and from major collector or arterial roadways as designated in the comprehensive plan if any, or the zoning map if no comprehensive plan is in existence;
- (3) *Side and rear yard setbacks.* Minimum setbacks shall be in accordance with the following when measured from land designated accordingly in the comprehensive plan if any, or the zoning map if no comprehensive plan is in existence:
 - (a) 70 feet from R-1 and R-2 residential uses;
 - (b) 30 feet from C-1 and C-2 commercial business uses; and
 - (c) 20 feet from I District uses.
- (4) *Lot coverage.* Maximum lot coverage shall be 85% and shall be calculated to include building footprints; parking areas; driveways; loading, storage and trash areas and other areas covered by any impervious surface;
- (5) *Access:* from a collector or arterial roadway as designated in the comprehensive plan, if any or a street specifically designed to accommodate industrial traffic;
- (6) Trash enclosures or accessory buildings not to exceed 600 square feet in size shall be located behind the front building line of the principal building and not in any required set back;
- (7) Parking shall be regulated pursuant to ' ' 151.35 through 151.39; and

(8) Performance standards shall be regulated pursuant to ' 151.30.

(F) *Conditional use permits standards for the Industrial District.*

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan. The Planning Commission, if any, may recommend and the City Council may impose conditions on such uses in order to ensure compliance or to affect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

(a) The use is consistent with the intent of this chapter;

(b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if any;

(c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

(d) The use is in compliance with the performance standards specified in ' 151.30, of this chapter;
and

(e) The use does not have an undue adverse impact on the public health, safety or welfare.

(3) In addition to the standards specified in division (2), no conditional use permit shall be granted unless the City Council determines that each of the following specific standards will be met.

(a) Retail or service uses occupying between 25% and 50% of the gross area of the principal structure:

1. Shall be no exterior modifications to the building;

2. Shall have no outside storage or display and no accessory structures for retail sales purposes; and

3. Shall have sufficient parking to accommodate the additional retail traffic.

(b) Wind energy conversion systems or windmills.

1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;

2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area:

3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;

4. Compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;

5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition; and

6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice.

151.29 RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT.

(A) *Purpose.* The purpose of the Rural Residential and Agriculture District is to allow suitable areas of the city to be retained and utilized in open space and/or agricultural uses.

(B) *Permitted uses.* The following are permitted uses in the Rural Residential and Agriculture District:

(1) Agriculture, including farm dwellings and agricultural related buildings and structures subject to state pollution control standards, but not including commercial feedlots or other commercial operations.

(2) One-family dwelling units.

(3) Public, government owned parks, playgrounds, wild life areas and game refuges, athletic fields and other public recreational uses.

(4) Churches and places of religious assembly, public and private schools and government-owned buildings and facilities.

(5) Manufactured homes which meet the standards set forth in ' 151.24.

(6) As required by M.S. ' 462.357, Subd. 7, as it may be amended from time to time, a state licensed residential facility or a housing with services establishment registered under M.S. Ch. 144D, as it may be amended from time to time, serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minn. Rules, parts 9502.0315 to 9502.0445, as it may be amended from time to time, to serve 14 or fewer children shall be considered a permitted single-family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

(C) *Accessory uses.* The following are permitted accessory uses in the Rural Residential and Agriculture District:

(1) Operation and storage of such vehicles, equipment and machinery which are incidental to permitted or conditional uses allowed in this district.

(2) Boat houses, piers and docks serving a single-family residence.

(3) Private garages, screen porches, play equipment, solar panel equipment, satellite dishes and antennae.

(4) The renting of rooms by a resident family for lodging purposes only, and for not more than two rooms in a one-family dwelling.

(D) *Conditional uses.* Within the Rural Residential and Agriculture District no structure or land shall be used for the following except by conditional use permit and in conformance with the standards specified in division (I) of this chapter.

- (1) Bed and breakfast inns.
- (2) Wind energy conversion systems or windmills.
- (3) Home occupations.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in the Rural Residential and Agriculture District, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* A minimum of two and one-half acres of upland area, upland being land above the 100-year flood elevation or non-wetland.

(2) *Lot width.* A minimum of 200 feet.

(3) *Lot depth.* A minimum of 300 feet.

(4) *Setbacks.*

(a) *Front yard.* A minimum of 40 feet.

(b) *Side yards.* A minimum of 10 feet.

(c) *Side yards, corner lots.* A minimum of 30 feet on side adjacent to street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

(d) *Rear yard.* A minimum of 30 feet.

(e) *Rear yard, corner lots.* A minimum of 15 on side adjacent to street, but in no case less than the setback of an adjacent lot which has its rear yard on the same street.

(5) *Detached accessory building setback requirements.* Not less than five feet from rear yard line and not less than four feet from the side yard lines in the rear yard. On corner lots not less than 25 feet from the adjacent street, but in no case less than the setback of an adjacent lot which has its front yard on the same street.

(6) *Access.* All lots shall front on and have ingress and egress by means of a public right-of-way.

(F) *Building requirements; height.* No structure shall exceed two stories or 35 feet, whichever is less.

(G) *Parking.* Refer to ' ' 151.35 through 151.39.

(H) Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by ' 150.04.

(I) Conditional use permit standards for the Rural Residential and Agriculture Single-Family Residential District.

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses

that such uses are subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council may impose conditions on such uses in order to affect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

- (a) The use is consistent with the intent of this chapter;
- (b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;
- (c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- (d) The use does not have an undue adverse impact on the public health, safety or welfare.

(3) *Specific standards.* In addition to the standards specified in division (2), no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this division will be met.

(a) *Home occupations.*

- 1. Such occupation shall be carried on in the main building;
- 2. Not more than 25% of the floor space of the residence is used for this purpose;
- 3. No articles for sale are displayed so as to be visible from the street;
- 4. The conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling.
- 5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
- 6. Only limited retail sales activity;
- 7. Maximum of one outside employee;
- 8. Adequate off-street parking based on number of employees and customers per day;
- 9. Parking area screened from offsite views;
- 10. No outside storage;
- 11. Shall not result in significant levels of noise, air or other pollution;
- 12. Business hours restricted to no more than 8:00 a.m. to 9:00 p.m.; and
- 13. Outside parking of no more than one commercial type vehicle or vehicle identified for business purposes not to exceed one ton capacity which is used for both personal and business transportation. The

vehicle is to be owned and registered by an occupant of the property and parked in a screened location.

(b) *Wind energy conversion systems (WECS).*

1. Set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
2. Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the area;
3. Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
4. Compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration;
5. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it dismantled and the site restored to its original condition;
6. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice; and
7. The WECS shall meet the performance standards of ' 151.30.

(c) *Bed and breakfast inns.*

1. The conduct of the bed and breakfast inn shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the bed and breakfast inn, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the dwelling.
2. No traffic shall be generated by such bed and-breakfast inn in greater volume than would normally be expected in a residential neighborhood.

151.30 FLOODPLAIN DISTRICT

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Lanesboro, Minnesota, does ordain as follows.

1.2 Purpose:

1.21 This ordinance regulates development in the flood hazard areas of the City of Lanesboro. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

1.23 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

SECTION 2.0 GENERAL PROVISIONS

2.1 Lands to Which Ordinance Applies: This ordinance applies to all lands within the jurisdiction of the City of Lanesboro within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts. The boundaries of these districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with Section 3.2.

2.11 The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

2.12 Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.

2.13 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

2.2 Incorporation of Maps by Reference: The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Fillmore County, Minnesota, and Incorporated Areas and the Flood Insurance Rate map panels enumerated below, each dated, August 15, 2019 all prepared by the Federal Emergency Management Agency. These materials are on file in the Lanesboro City Office.

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2.3 Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

2.4 Warning and Disclaimer of Liability: This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not

create liability on the part of the City of Lanesboro or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

2.5 Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

2.6 Definitions: Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

2.611 Accessory Use or Structure — a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2.612 Base Flood — the flood having a one percent chance of being equaled or exceeded in any given year.

2.613 Base Flood Elevation — The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

2.614 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.

2.615 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 if one exists and are compatible with the existing neighborhood.

2.616 Development — any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

2.617 Equal Degree of Encroachment — a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.618 Farm Fence — A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

2.619 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.

2.620 Flood Frequency — the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

2.621 Flood Fringe —the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Lanesboro, Minnesota.

2.622 Flood Insurance Rate Map — An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

2.623 Flood Prone Area — any land susceptible to being inundated by water from any source.

2.624 Floodplain — the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

2.625 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.

2.626 Floodway — the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

2.627 Lowest Floor — the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

2.628 Manufactured Home — a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

2.629 New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

2.630 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 floodplain 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.

2.631 One Hundred Year Floodplain — lands inundated by the "Regional Flood" (see definition).

2.632 Principal Use or Structure — all uses or structures that are not accessory use or structures.

2.633 Reach — a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

2.634 Recreational Vehicle — a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self- propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary

living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

2.635 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 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

2.636 Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

2.637 Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

2.638 Special Flood Hazard Area — a term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

2.639 Start of Construction — includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

2.640 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, decks manufactured homes, recreational vehicles not considered travel ready as detailed in Section 10.22 of this ordinance and other similar items.

2.641 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.642 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

2.7 Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the City of Lanesboro at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Lanesboro after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

2.8 Detachments. The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of the City of Lanesboro after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 3.0 ESTABLISHMENT OF FLOODPLAIN DISTRICTS

3.1 Districts:

3.11 Floodway District. The Floodway District includes those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps adopted in Section 2.2.

3.12 Flood Fringe District. The Flood Fringe District includes areas within Zones AE on the Flood Insurance Rate Map adopted in Section 2.2, but located outside of the floodway.

3.13 General Floodplain District. The General Floodplain District includes those areas within Zone A (that do not have a floodway delineated) as shown on the Flood Insurance Rate Map adopted in Section 2.2.

3.2 Applicability: Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 5 or 6 will apply, depending on the location of a property. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 5 apply unless the floodway boundary is determined, according to the process outlined in Section 7.2.

SECTION 4.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

4.1 Permit Required. A permit must be obtained from the Zoning Administrator to verify if a development meets all applicable standards outlined in this ordinance prior to conducting the following activities:

4.11 The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.

4.12 The construction of a dam, on-site septic system, or any fence not meeting the definition of farm fence outlined in Section 2.619 of this ordinance.

4.13 The change or extension of a nonconforming use.

4.14 The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

4.15 The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

4.16 Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.

4.17 Any other type of "development" as defined in this ordinance.

4.2 Minimum Development Standards. All new construction and substantial improvements must be:

4.21 Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

4.22 Constructed with materials and utility equipment resistant to flood damage;

4.23 Constructed by methods and practices that minimize flood damage; and

4.24 Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4.3 Flood Capacity. Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

4.4 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

SECTION 5.0 FLOODWAY DISTRICT (FW)

5.1 Permitted Uses: The following uses, subject to the standards set forth in Section 5.2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

5.11 General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.

5.12 Industrial-commercial loading areas, parking areas, and airport landing strips.

5.13 Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

5.14 Residential yards, lawns, gardens, parking areas, and play areas.

5.15 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

5.2 Standards for Floodway Permitted Uses:

5.21 The use must have low flood damage potential.

5.22 The use must not involve structures or obstruct flood flows. The use must not cause any increase in flood damages, or any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.

5.23 Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

5.3 Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 11.4 of this ordinance and further subject to the standards set forth in Section 5.4, if otherwise allowed in the underlying zoning district.

5.31 Structures accessory to primary uses listed in 5.11 — 5.13 above and primary uses listed in 5.32 - 5.33 below.

5.32 Grading, extraction, fill and storage of soil, sand, gravel, and other materials.

5.33 Marinas, boat rentals, permanent docks, piers, wharves, water control structures, and navigational facilities.

5.34 Storage yards for equipment, machinery, or materials.

5.35 Fences that have the potential to obstruct flood flows.

5.36 Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

5.4 Standards for Floodway Conditional Uses:

5.41 A conditional use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.

5.42 Fill; Storage of Materials and Equipment:

(a) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

(b) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

5.43 Accessory Structures. Accessory structures, as identified in Section 5.31, may be permitted, provided that:

- (a) Structures are not intended for human habitation;
- (b) Structures will have a low flood damage potential;
- (c) Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
- (d) Structures must be elevated on fill, open sided or structurally dry flood-proofed and watertight to the regulatory flood protection elevation. Certifications consistent with Section 11.22 shall be required.
- (e) As an alternative, an accessory structure may be flood-proofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. A flood-proofing certification consistent with Section 11.22 shall be required.

5.44 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

5.45 A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

SECTION 6.0 FLOOD FRINGE DISTRICT (FF)

6.1 Permitted Uses: Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 6.2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

6.2 Standards for Flood Fringe Permitted Uses:

6.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.

6.22 Accessory Structures. As an alternative to the fill requirements of section 6.21, structures accessory to the uses identified in Section 6.1 may be designed to accommodate the inundation of floodwaters, meeting the following provisions, as appropriate:

(a) The accessory structure constitutes a minimal investment and satisfies the development requirements in Section 4.2.

(b) Any enclosed accessory structure shall not exceed 576 square feet in size, and only be used for parking and storage. Any such structure shall be designed and certified by a registered professional engineer, or be designed in accordance with the following flood-proofing standards:

(1) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

6.23 The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 6.21 of this ordinance, or if allowed as a conditional use under Section 6.33 below.

6.24 All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

6.25 All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

6.26 All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.

6.27 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

6.28 Manufactured homes and recreational vehicles must meet the standards of Section 10 of this ordinance.

6.3 Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 11.4 of this ordinance and further subject to the standards set forth in Section 6.4, if otherwise allowed in the underlying zoning district(s).

6.31 The placement of flood-proofed nonresidential basements below the regulatory flood protection elevation. Residential basements; are not allowed below the regulatory flood protection elevation.

6.32 The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 6.21 of this ordinance.

6.4 Standards for Flood Fringe Conditional Uses:

6.41 The standards for permitted uses in the flood fringe, listed in Sections 6.24 through 6.28, apply to all conditional uses.

6.42 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry flood-proofed, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A flood-proofing certification consistent with Section 11.22 shall be required.

6.43 The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

- (a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
- (b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
- (c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

SECTION 7.0 GENERAL FLOODPLAIN DISTRICT (GF)

7.1 Permitted Uses:

7.11 The uses listed in Section 5.1 of this ordinance, Floodway District Permitted Uses, are permitted uses.

7.12 All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 7.2 below. Section 5.0 applies if the proposed use is determined to be in the Floodway District. Section 6.0 applies if the proposed use is determined to be in the Flood Fringe District.

7.2 Procedures for Determining Floodway Boundaries and Regional Flood Elevations:

7.21 Detailed Study. Developments greater than 50 lots or 5 acres, or as requested by the zoning administrator, shall be subject to a detailed study to determine the regulatory flood protection elevation and the limits of the Floodway District. The determination of the floodway and flood fringe must be consistent with accepted hydrological and hydraulic engineering standards, and must include the following components, as applicable:

- (a) Estimate the peak discharge of the regional (1% chance) flood.
- (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
- (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in

computing floodway boundaries, unless development or geographic features warrant other analysis, as approved by the Department of Natural Resources.

7.22 Alternative Methods. Provided no detailed study is available, an applicant must identify a base flood elevation, at minimum, to determine the boundaries of the special flood hazard area. The applicant shall obtain and utilize best available data to determine the regional flood elevation and floodway boundaries from a state, federal, or other source. If no such data exists, the applicant may determine the base flood elevation and floodway limits through other accepted engineering practices. Any such method shall assume a 0.5 foot stage increase to accommodate for future floodway determination.

7.23 The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from an engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

7.24 Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 5.0 and 6.0 of this ordinance.

SECTION 8.0 SUBDIVISION STANDARDS

8.1 Subdivisions: No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

8.11 All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

8.12 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

8.13 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

8.14 In the General Floodplain District, applicants must provide the information required in Section 7.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

8.15 Subdivision proposals must be reviewed to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,

- (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (c) Adequate drainage is provided to reduce exposure of flood hazard.

SECTION 9.0 UTILITIES, RAILROADS, ROADS, AND BRIDGES

9.1 Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be flood-proofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

9.2 Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 5.0 and 6.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

9.3 On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

SECTION 10.0 MANUFACTURED HOMES AND RECREATIONAL VEHICLES.

10.1 Manufactured Homes: Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

10.11 New and replacement manufactured homes must be elevated in compliance with Section 6 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

10.12 New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 8 of this ordinance. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 8.12 of this ordinance.

10.2 Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

10.21 Meet the requirements for manufactured homes in Section 10.1, or 10.22 be travel ready, meeting the following criteria:

- (a) The vehicle must have a current license required for highway use.

- (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- (c) No permanent structural type additions may be attached to the vehicle.
- (d) Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 4.2 and 6.22.

SECTION 11.0 ADMINISTRATIONS

11.1 Duties: A Zoning Administrator or other official designated by the City Council must administer and enforce this ordinance.

11.2 Permit Application Requirements:

11.21 Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

- (a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
- (b) Location of fill or storage of materials in relation to the stream channel.
- (c) Copies of any required municipal, county, state or federal permits or approvals.
- (d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

11.22 Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Flood-proofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable flood-proofing standards in the State Building Code. Accessory structures designed in accordance with Section 6.22 of this ordinance are exempt from certification, provided sufficient assurances are documented. Any development in established floodways must not cause any increase in flood elevations or damages, as certified by a registered professional engineer.

11.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

11.24 Recordkeeping of Certifications and As-Built Documentation. The Zoning Administrator must maintain records in perpetuity documenting:

- (a) All certifications referenced in Section 11.22 of this ordinance as applicable

(b) Elevations complying with Section 6.21 of this ordinance. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations to structures are constructed or flood-proofed.

11.25 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

11.26 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

11.3 Variances:

11.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable State Statutes and Section 151.48 of the zoning ordinance/code.

11.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district; permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

11.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

11.34 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

11.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

- (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others;
- (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
- (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- (e) The importance of the services to be provided by the proposed use to the community;
- (f) The requirements of the facility for a waterfront location;
- (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

11.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

11.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

11.38 Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

11.4 Conditional Uses:

11.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 151.55 the zoning ordinance/code.

11.42 Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 11.35 of this ordinance.

11.43 Conditions Attached to Conditional Use Permits. In addition to the standards identified in Sections 5.4 and 6.4, the City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (a) Limitations on period of use, occupancy, and operation.
- (b) Imposition of operational controls, sureties, and deed restrictions.
- (c) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

11.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

11.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

SECTION 12.0 NONCONFORMITIES

12.1 Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.643(b) of this ordinance, are subject to the provisions of Sections 12.11 — 12.16 below.

12.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 12.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

12.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood-proofing techniques (i.e., FP1 thru FP4 flood-proofing classifications) allowable in the State Building Code, except as further restricted in 12.14 below.

12.13 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

12.14 If any structure experiences a substantial improvement as defined in this ordinance, then the entire structure must meet the standards of Section 5.0 or 6.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the current proposal, including maintenance and repair during the previous 365 days, plus the costs of any previous

alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Section 5.0 or 6.0 of this ordinance.

12.15 If any nonconformity is substantially damaged, as defined in this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 5.0 or 6.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

12.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.638 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 13.0 VIOLATIONS AND PENALTIES

13.1 Violation Constitutes a Misdemeanor: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

13.2 Other Lawful Action: Nothing in this ordinance restricts the City of Lanesboro from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

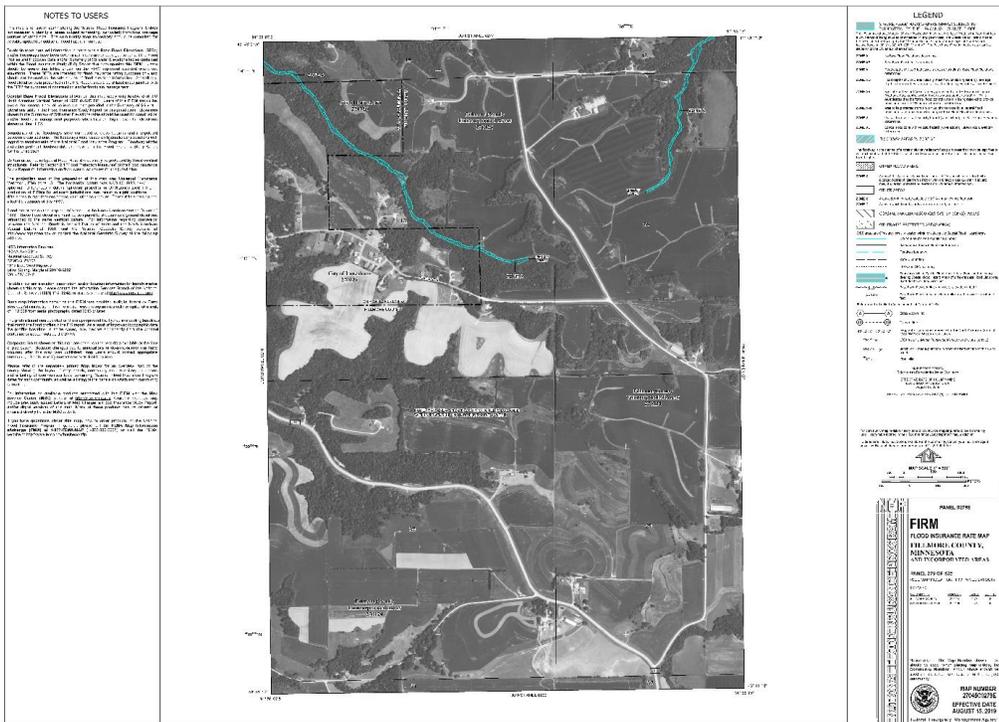
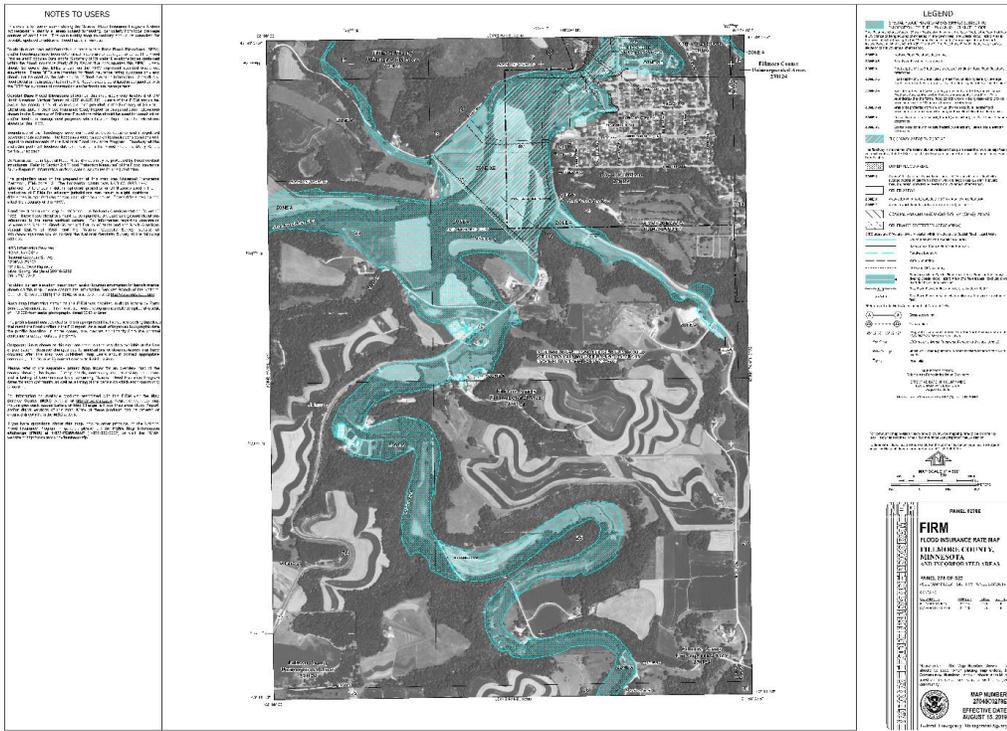
13.3 Enforcement: Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 152.99 the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and (Governing Body) may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Lanesboro must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SECTION 14.0 AMENDMENTS

14.1 Floodplain Designation — Restrictions on Removal: The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Department of Natural Resources (DNR) if it is determined that, through other measures, lands are adequately protected for the intended use.

14.2 Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Department of Natural Resources (DNR) prior to adoption.

14.3 Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.2 of this ordinance.



Approved by the Lanesboro City Council on June 3rd, 2019.

PERFORMANCE STANDARDS

151.31 PERFORMANCE STANDARDS.

(A) *Purpose.* The purpose of performance standards is to establish specific and quantifiable limitations on

identified types of pollution and other activities which have a high nuisance potential. The performance standards apply in all zoning districts unless specifically stated to the contrary.

(B) *Performance Standards Regulating Exterior Lighting.*

(1) Exterior lighting shall be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths foot-candles as measured on the property line when abutting any residential parcel and one foot-candle on any abutting commercial or industrial parcel. Street lights installed in public right-of-way shall be accepted from these standards.

(2) Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and type of fixtures. The city may also limit the hours of operation of outdoor lighting if it is deemed necessary to reduce impacts on the surrounding neighborhood.

(3) No flickering or flashing lights shall be permitted.

(4) Direct, off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures approved in conjunction with a site and building plan. Globe and ornamental fixtures shall only be approved when the developer can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by the fixture design and/or location.

(5) The city may require submission of a light distribution plan if deemed necessary to ensure compliance with the intent of this chapter.

(C) *Performance standards regulating noise and vibration.*

(1) Noises emanating from any use shall be in compliance with and regulated by the standards of the Minnesota Pollution Control Agency. Any use established or remodeled after the effective date of this chapter shall be so operated as to prevent vibration discernable at any point beyond the lot line of the site on which such use is located. The city may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhood.

(2) Ground vibration and noise caused by motor vehicles, trains, aircraft operations or temporary construction or demolition shall be exempt from these regulations. However, if deemed appropriate, the city may establish limits on the hours of operation of temporary construction or demolition operation to limit off-site impacts.

(D) *Performance standards regulating smoke and particulate matter.* No use shall produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the Minnesota Pollution Control Agency.

(E) *Performance standards regulating odor.* No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the Minnesota Pollution Control Agency.

(F) *Performance standards regulating toxic or noxious matter.* No use or operation shall emit a concentration of toxic or noxious matter across the property line which exceeds applicable regulations of the Minnesota Pollution Control Agency.

(G) *Performance Standards Regulating Radiation.* No operation shall be conducted which exceeds the standards established by applicable regulations of the Minnesota Department of Health.

(H) *Performance standards regulating heat and humidity.* No use shall produce any unreasonable, disturbing or unnecessary emissions of heat or humidity beyond the property line which cause material distress, discomfort

or injury to persons of ordinary sensitivity.

(I) *Performance standards regulating electromagnetic interference.* No use shall produce electromagnetic interference with normal radio or television reception in any residential district, or exceed applicable standards established by any applicable federal or state regulations.

(J) *Performance standards regulating liquid or solid waste.* All uses shall be subject to applicable regulations of the city governing discharge into a public storm or sanitary sewer, waterway or stream.

151.32 LANDSCAPING REQUIREMENTS.

(A) All open areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of over-story trees, understory trees, shrubs, flowers and ground cover materials.

(B) All new landscape trees and shrubs must meet the American Standard for Nursery Stock and American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball. Landscape trees must be balled and burlapped or moved from the growing site by tree spade. Deciduous trees will be not less than one and one quarter inches but not more than three inches caliper for balled and burlapped trees, and not less than three inches but not more than six inches caliper for spade-moved trees. Coniferous trees will be not less than six feet in height but no more than eight feet for balled and burlapped trees, and not less than eight feet in height but not more than fourteen feet for spade-moved coniferous trees. The city may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee.

(C) All lot areas not covered by buildings, sidewalks, parking lots, driveways, patios or similar hard surface materials shall be covered with sod or an equivalent ground cover approved by the city. This requirement shall not apply to site areas retained in a natural state.

151.33 RENEWABLE ENERGY SYSTEMS

1.1 DEFINITIONS.

ACCESSORY. A system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption.

ALTERNATIVE ENERGY SYSTEM. A ground source heat pump or solar energy system.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

CLOSED LOOP GROUND SOURCE HEAT PUMP SYSTEM. A system that circulates a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.

FLUSH-MOUNTED SOLAR ENERGY SYSTEM. A roof-mounted system mounted directly abutting the roof. The pitch of the solar collector may exceed the pitch of the roof up to 5% but shall not be higher than ten inches above the roof.

GROUND SOURCE HEAT PUMP SYSTEM. A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system.

HORIZONTAL GROUND SOURCE HEAT PUMP SYSTEM. A closed loop ground source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches no more than 20 feet below the land surface.

OPEN LOOP GROUND SOURCE HEAT PUMP SYSTEM. A system that uses ground water as a heat transfer fluid by drawing ground water from a well to a heat pump and then discharging the water over land, directly in a water body or into an injection well.

PASSIVE SOLAR ENERGY SYSTEM. A system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

PHOTOVOLTAIC SYSTEM. A solar energy system that converts solar energy directly into electricity.

SOLAR ENERGY SYSTEM. A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

VERTICAL GROUND SOURCE HEAT PUMP SYSTEM. A closed loop ground source heat pump system where the loops or coils are installed vertically in one or more borings below the land surface.

1.2 GROUND SOURCE HEAT PUMP SYSTEMS.

A. Zoning Districts. Ground source heat pump systems in accordance with the standards in this section are allowed as a permitted accessory use in all zoning districts.

B. Standards.

1) System Requirements.

- a) Only closed loop ground source heat pump systems utilizing heat transfer fluids are permitted. One loop ground source heat pump systems are not permitted. Tracer wire or a traceable system must be installed from the loop system to the entry point into the building.
- b) Ground source heat pump systems in public waters may be permitted as a conditional use subject to approval from the MN Dept. of Natural Resources in accordance with MN Rules 6115.0211, Subp.6b and subject to written consent of all property owners and/or approval by an association in accordance with its adopted bylaws.

2) Setbacks.

- a) All components of ground source heat pump systems including pumps, boring and loops shall be set back at least five feet from interior side lot lines and at least ten feet from rear lot lines.
- b) Above-ground equipment associated with ground source heat pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.

3) Easements. Ground source heat pump systems shall not encroach on public drainage, utility roadway or trail easements, or any other public easements.

4) Noise. Ground source heat pump systems shall comply with MN Pollution Control agency standards outlined in MN Rules Chapter 7030, as amended.

5) Screening. Ground source heat pumps are considered mechanical equipment and in order to suppress noise and hide from public view materials and designs matching those used for the structure will be incorporated into a plan design. Where miscellaneous exterior equipment cannot be fully hidden with matching building materials, landscaping may be used as additional screening. Screening remains subject to the requirements of the applicable zoning district.

6) Deviations. Any deviation from the required standards of this division may be permitted through a conditional use permit as provided in the Lanesboro Zoning and Subdivision Ordinance of 1989,

as amended.

- C. Safety. Ground source heat pumps shall be certified by Underwriters Laboratories, Inc. and meet the requirement of the State Building Code and the Minnesota Department of Health.
- D. Abandonment. If the ground source heat pump system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:
 - 1) The heat pump and any external mechanical equipment shall be removed.
 - 2) Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable state and federal regulations. The top of the pipe, coil or boring shall be uncovered and grouted.
- E. Permits. A building permit and a conditional use permit if required shall be obtained for any ground source heat pump prior to installation. Borings for vertical systems are subject to approve from the MN Dept. of Public Health.

1.3 SOLAR ENERGY SYSTEMS.

- A. Zoning Districts. Solar Energy systems in accordance with the standards in this section are allowed as a conditional use in all zoning districts, except that in residential and arterial commercial districts when the structure is roof mounted, it is a permitted accessory use.
- B. Standards.
 - 1) Exemption. Passive or building-integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.
 - 2) Height. Roof-mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground-mounted energy systems shall not exceed 15 feet in height.
 - 3) Location. In residential zoning districts, as well as arterial commercial districts, ground-mounted solar energy systems are limited to the rear yard. In industrial zoned districts, ground-mounted solar energy systems may be permitted in the front yard or the side yards on corner lots, but shall not encroach in the public right-of way.
 - 4) Setbacks. Ground-mounted solar energy systems including any appurtenant equipment shall be set back a minimum of 15 feet from all property lines and a minimum of 30 feet from all dwellings located on adjacent lots. Roof-mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.
 - 5) Roof mounting. Roof-mounted solar collectors shall be flush mounted on pitched roofs and shall not exceed 10 feet above the highest portion of the building. Solar collectors may be bracket mounted on flat roofs at no more than 3 feet above the surface of the roof. The collector surface and mounting devices for roof-mounted solar energy systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Solar collectors must have a 3 foot clearance around all roof edges to facilitate Emergency Responders access.
 - 6) Easements. Solar energy systems shall not encroach on public drainage, utility roadway or trail easements, or any other public easements.
 - 7) Screenings. Solar energy systems shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences or landscaping.
 - 8) Maximum area. In all zoning districts which do not have a maximum coverage area, ground-mounted solar energy systems shall be limited to a maximum area of 200 square feet.
 - 9) Aesthetics. All solar energy systems shall use colors that blend with the color of the roof or other structure. Reflection angles from collector surfaces shall be oriented away from neighboring

windows. Where necessary, screening may be required to address glare. All solar energy systems shall minimize glare towards vehicular traffic and adjacent properties.

- 10) Feeder Lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.
- 11) Deviations. Any deviation from the required standards of this division may be permitted through a conditional use permit in accordance with the Lanesboro Zoning and Subdivision Ordinance of 1989, as amended.

C. Safety.

1) Standards and certification.

(a) Standards. Solar energy systems shall meet the minimum standards outlined by the International Electrotechnical Commission (IEC), the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), ASTM International, British Standards Institution (BSI), International Electrotechnical Commission (IEC), International Organization of Standardization (ISO), Underwriter's Laboratory (UL), the Solar Rating and Certification Corporation (SRCC).

(b) Certification. Solar energy systems shall be certified by Underwriter's Laboratories, Inc. and the National Renewable Energy Laboratory, the Solar Rating and Certification Corporation. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

- 2) Utility connection. All grid-connected systems shall have a completed, written agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility.

D. Abandonment. If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

E. Permits. Those permits as required, and a conditional use permit if required, shall be obtained for any solar energy system prior to installation. Applicable state inspections, i.e. electrical, plumbing, etc. are also required.

1.4 PROHIBITED CHARACTERISTICS OF ALTERNATIVE ENERGY SYSTEMS.

- A. No alternative energy system shall be constructed within 20 feet laterally of any overhead power lines, excluding secondary electrical service lines or service drops. Setbacks from underground distribution lines shall be 10 feet.
- B. An alternative energy system shall not cause radio and television interference.
- C. No alternative energy system shall violate MPCA noise standards, air quality standards or otherwise result in a nuisance source of noise.
- D. No alternative energy system shall resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
- E. No alternative energy system shall be located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- F. No alternative energy system shall display any advertisement, nor shall it be used for any purpose other than for alternative energy.
- G. No alternative energy system shall be erected which contains, includes or is illuminated by any flashing light or lights, except as required by law.
- H. No alternative energy system shall be erected or maintained which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of a highway or street of such intensity or brilliance so as to cause glare or impair the vision of the operator of any motor vehicle. Further, all systems shall be constructed as to prevent beams or rays of light from being directed at any

portion of a building or residence.

1.5 PERMITS FOR ALTERNATIVE ENERGY SYSTEMS.

- A. Compliance with law. All alternative energy systems shall be constructed in accordance with all applicable building and electrical codes and comply with all applicable federal, state, and local laws and regulations.
- B. Required alternative energy system permit. Except as otherwise specifically authorized, no alternative energy system shall be located, constructed, erected, moved, reconstructed, extended, enlarged or structurally altered within the City until a permit for the system has been issued by the City. No system permit shall be issued for a system not in conformity with the regulations application to such system. An application for a system permit shall be accompanied by the fee as specified in the City fee schedule. No application will be considered unless and until the required fee has been paid by the application to the City Clerk/Administrator. The alternative energy system permit will not issue unless the following are met, and the certificate when issued will include:
 - 1) Recorded property easements.
 - 2) A description of the project including: number, type, height, diameter of alternative energy systems.
 - 3) Site layout, including location of property lines, roads, ground source heat pump, or solar panel, electrical wires, interconnection points with the electrical grid, and all related accessory structures.
 - 4) Confirmation of certification requirements set forth under **1.2 C.** and **1.3.C** above.
 - 5) Interconnection agreement.
- C. Duration. Any system permit issued by the City under this chapter shall be valid for a period of 12 months from the date of issuance. If the construction of the system is not completed within 12 months from the date of its issuance, the system permit shall be void and the site or which the permit was sought shall be returned to the condition it was prior to the issuance of such system permit.
- D. Zoning Certificate. In addition to the system permit required by this chapter, a zoning permit must be obtained from the City prior to the construction of any system. An application for a zoning certificate shall be accompanied by the fee as specified in the City fee schedule.
- E. Building Permit. In addition to the system permit and zoning certificate required by this subchapter, a building permit must be obtained from the City prior to the construction of any system when construction activity is of such a nature that a building permit is required.
- F. Application requirements. Building permit applications for any alternative energy systems shall be accompanied by standard drawings depicting the specifications and location of the alternative energy system and any other documentation as required by the City. An application for a building permit shall be accompanied by the fee as specified in the City fee schedule.

1.6 CONDITIONAL USE PERMIT.

Deviations to the standards in this division may be permitted as a conditional use in accordance with the Lanesboro Zoning and Subdivision Ordinance of 1989, as amended. In granting a conditional use permit, the City shall consider the criteria and the following additional criteria unique to alternative energy systems:

- A. That the deviation is required to allow for the improved operation of the alternative energy system.
- B. That the alternative energy system has a net energy gain.
- C. That the alternative energy system does not adversely affect solar access to adjacent properties.
- D. That the alternative energy system complied with all other engineering, building, safety and fire regulations.
- E. That the alternative energy system is found to not have any adverse impacts on the area, including the

health, safety and general welfare of occupants of neighboring properties and users of public rights-of-way.

1.7 INTERPRETATION.

In interpreting this division and its application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. This division shall be construed broadly to promote the purposes for which it was adopted.

1.8 PENALTIES.

Any violation of this ordinance shall be a petty misdemeanor punishable according to petty misdemeanor limits as established from time to time by the State of Minnesota. Each day that a violation exists shall constitute a separate offense.

1.9 SEVERABILITY & SAVINGS CLAUSE.

This Ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided herein. If any provision of this ordinance imposes restrictions different from any other ordinance, rule or regulation, state or provision of law, the provision that is more restrictive or imposes higher standards shall control.

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity or enforceability of any other section of provisions of this ordinance.

151.34 SIGNS.

- a. Purpose. The purpose of this Subdivision is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the roadside throughout the City.
- b. Signs are recognized as accessory uses and are permitted in all Districts subject to the regulations of this Chapter.
- c. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress from any door; window or fire escape; that tends to accumulate debris as a fire hazard, or that is attached to a standpipe or fire escape.
- d. Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility or traffic control.
- e. Private signs are prohibited within the public right-of-way or any street or easement.
- f. All signs on State and Federal highways right-of-way shall conform to State and Federal sign regulations.
- g. Permitted Signs. The following signs will be permitted in all Districts subject to the specific standards indicated:
 1. Business identification signs located on the premises, not exceeding 40 square feet in area.
 2. Temporary real estate signs advertising the sale, rental, or lease of premises not exceeding 16 square feet in area.
 3. Memorial signs, tablets, and names of buildings and date of erection, provided said signs are cut into masonry surface or affixed on a metal plate flat against a structure.
 4. Official signs such as traffic control, parking restrictions, information and notices.

5. Political signs not exceeding 20 square feet in area, providing signs are placed with the consent of the property owner and are removed within seven day following the date of the election
 6. Temporary construction signs not exceeding 20 square feet in area, provided said signs are removed when the project is completed.
 7. Temporary signs or banners as authorized by the City Council.
 8. Signs at apartment buildings, not to exceed 25 square feet in area.
- h. Signs proposed for location within the Heritage Preservation District must be reviewed by the Heritage Preservation Commission before they can be erected. Said signs shall be subject to all the requirements of this Ordinance, in addition to the City Ordinance 150.06, the Heritage Preservation Ordinance.
 - i. Signs Requiring a Conditional Use Permit.
 1. All illuminated signs.
 2. Billboards.
 3. Freestanding or protruding signs with an area greater than is otherwise allowed.
 4. Other signs not specifically described.
 - j. Non-conforming Signs. Signs lawfully existing at the effective date of this Ordinance may be continued. In the event the use of the property changes and a new sign is required, said sign shall conform to the requirements of this Ordinance.
 - k. Sign Maintenance. The owner of any sign shall be required to have such sign properly painted at least once every five years, if needed, including all parts and supports of the sign, unless such part or supports are galvanized or otherwise treated to prevent rust.
 1. Obsolete Signs. Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land on which the sign is found. Said removal shall take place as soon as the sign becomes obsolete, or within ten days after the owner or agent receives written notification from the Zoning Administrator.
 - m. Unsafe or Dangerous Signs. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure, or land upon which the sign is located within ten days after written notification from the Zoning Administrator.

OFF-STREET PARKING AND LOADING REQUIREMENTS

151.35 PURPOSE.

The purpose of the off-street parking regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land and structures. No building shall be hereafter erected, substantially altered, or its use changed unless off-street parking spaces have been provided in accordance with the provisions of this chapter.

Penalty, see ' 151.99

151.36 REQUIRED OFF-STREET PARKING.

The number of off-street parking spaces provided shall be at least the minimum number provided for the

following uses:

- (A) One and two-family dwellings: Two spaces per unit.
 - (B) Multiple-family dwellings: Two spaces per unit.
 - (C) Manufactured home Park: Two spaces per unit.
 - (D) Theatres, auditoriums, churches and other similar places of assembly: One space per every four seats.
 - (E) Restaurants, bars and the like: One space for every three seats.
 - (F) Retail stores: One space per every 500 square feet of retail floor space.
 - (G) Motels, hotels: One space per sleeping room or unit.
 - (H) Service commercial shops, such as auto repair shops, furniture repair shops, appliance repair shops and the like: One space per every 500 square feet of gross floor space.
 - (I) Industrial establishments: One space per every two persons of maximum employment during any work period.
 - (J) Wholesale, warehouses: One space per every employee during any work period.
 - (K) Uses not mentioned: For any use not specifically mentioned in the schedule of off-street parking requirements, the number of spaces required shall be that required for that use in the schedule which is determined by the City Council to be most similar.
- Penalty, see ' 151.99

151.37 SPECIAL OFF-STREET PARKING REQUIREMENTS.

(A) *Offices outside C-1 District.* Adequate off-street parking area shall be provided for all employees so as to avoid routine usage of the public street for parking. However, parking will be allowed on the side of the public street adjacent to the office's property for routine employee parking.

(B) *Industrial establishments within C-1, C-2 and I Districts.* Adequate off-street parking areas shall be required for all employees so as to avoid routine usage of a public street for parking, except during the climatic seasons that result in a deterioration of the available parking area serviceability to a point that reasonable judgment dictates temporary disuse. Parking will be allowed on the side of the public street adjacent to the establishment's property for routine employee parking.

Penalty, see ' 151.99

151.38 OFF-STREET LOADING.

(A) *Off-street loading spaces.* No building shall be hereafter erected, substantially altered, or its use changed unless loading spaces have been provided in accordance with the provisions of this chapter. One off-street loading space shall be provided and maintained on the same lot for each commercial and industrial use requiring regular delivery of goods.

(B) *Improvement and maintenance of off-street parking and loading spaces.* All parking and loading areas shall provide drainage of surface water to prevent drainage of such water on the adjacent properties or walkways. The owner of any parking or loading area shall maintain the area in good condition.

Penalty, see ' 151.99

151.39 PARKING AND STORAGE OF CERTAIN VEHICLES.

No motor vehicle or trailer without current license plates shall be parked or stored on any property in a residential district other than in a completely enclosed building, or as otherwise provided in this code.

Penalty, see ' 151.99

151.40 REQUIREMENTS AND PROHIBITIONS.

(A) Required parking and loading areas and the driveways providing access to them shall not be used for storage, display, sales, rental or repair of motor vehicles or other goods or for the storage of inoperable vehicles or snow.

(B) All required parking spaces shall be accessed by adequate maneuvering space.

151.41 REDUCTIONS ALLOWED.

If warranted by the unique characteristics and/or documented parking demand for similar developments, the city may allow a reduction in the number of parking spaces actually constructed as long as the applicant provides proof of a future parking plan. The plan must show the location for all minimum required parking spaces in conformance with all applicable setback requirements. The city may require installation of the additional parking spaces whenever the need arises.

PERMITS AND REQUIREMENTS FOR FENCES, WALLS OR HEDGES

151.45 APPLICATION.

The requirements of this subchapter shall apply to all new or replacement fences, walls, or shrubbery erected or installed from and after the effective date of this subchapter, but shall not apply to the mere repair of existing fences.

151.46 GENERAL REQUIREMENTS.

(A) All fences of more than 30 inches in height shall require a permit.

(B) No fence shall contain barbed wire.

(C) No fence shall be charged with electric current, except within an agricultural district.

(D) No fence, wall or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(E) Fences must be maintained so as not to endanger life or property and any fence which, through lack of repair, type of construction or otherwise, that imperils health, life or property or the well-being of a neighborhood shall be deemed a nuisance.

(F) All fences must be located on the private property of the person, firm or corporation constructing the fence.

(G) All fences must comply with all other requirements of law or this code as it applies to fence installation

and materials.

Penalty, see ' 151.99

151.47 RESIDENTIAL REGULATIONS.

(A) *Prohibited material.* No fence or wall shall be constructed of any electrically charged element or barbed wire.

(B) *Approved material.* All fences in residential districts shall be constructed of stone, brick, finished wood, chained link or vinyl. The finished side of the fence, or that side of the fence without exposed support or posts, shall face the neighboring property or streets.

(C) *Side and rear yard requirements.* No fence or wall located in a side or a rear yard shall be of height exceeding four feet, measured from its top edge to the ground at any point.

(D) *Front yards.* No fence or wall shall be located in a front yard.

(E) *Maintenance.* Every fence or wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence or wall shall be prepared or replaced immediately.

(F) *Setbacks.* No fence may be located less than six inches from a property line. No fence, wall, hedge or other screening device shall be permitted to encroach on any public right-of-way.

Penalty, see ' 151.99

151.48 VARIANCE.

Any deviation from the provisions of this subchapter shall require a variance. If a variance is requested, the variance shall be considered in accordance with the zoning variance procedures and fees for this variance will be in accordance with the zoning variance fee.

151.49 DESIGN AND REVIEW OF RETAINING WALLS

Section 1. Amendment. The Lanesboro City Code is hereby amended to read in its entirety as set forth in section 3 below.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective upon publication.

Section 4. Applicability and requirements.

(a) **Applicability.** This section applies to retaining walls, and retaining wall is defined as follows:

Retaining walls are structures that are constructed to support vertical slopes steeper than 70 degrees or vertical slopes of earth masses.

(b) **Building Permit Required.** Except as otherwise provided in Subsection (c), all retaining walls require a building permit prior to construction or alteration. Permit applications shall be processed and issued in accordance with building permit procedures and applicable provisions of this Section. Building permit review fees will be assessed and collected at the time the permit is issued.

(c) **Building Permit Exemptions.** The following do not require a building permit:

(1) Retaining walls less than four feet in exposed height with less than 10H:1V (Horizontal: Vertical) front and back slopes within ten feet of the wall;

(2) Non-tiered retaining walls less than three feet in exposed height with back slopes flatter than or equal to 2H:1V and having front slopes no steeper than or equal to 4H:1V;

(3) Tiered retaining walls less than three feet in exposed height per wall and which have front slopes and back slopes of each wall no steeper than or equal to 10H:1V within ten feet of the walls; and

(4) Retaining walls less than 50 square feet in size.

(d) Safety fence. Retaining walls exceeding 6 feet or greater will require installation of a safety fence on the upper side of the wall.

(e) Height, Separation and Plantings.

(1) For the purposes of this subsection, the height of a retaining wall is measured as exposed height (H) of wall.

(2) A single retaining wall shall not exceed nine feet in height.

(3) Terracing of retaining walls is permitted where justified by topographic conditions. Walls with a separation of at least 2H (H of largest of 2 walls) from face of wall to face of wall shall be considered as separate walls. In a terrace of retaining walls, a minimum horizontal separation of H/2 is required as measured from back of lower wall to face of higher wall.

(4) For walls viewable from a public right-of-way, the horizontal separation between walls shall be planted with a minimum of five shrubs for every 20 linear feet of planting area.

(f) Submittals. The following documents and calculations shall be submitted with each retaining wall building permit application:

(1) Profile drawings if the retaining wall is longer than 50 linear feet, with the base elevation, exposed base elevation and top of wall labeled at the ends of the wall and every 50 linear feet or change in grade;

(2) Cross-sectional drawings including surface grades and structures located in front of and behind the retaining wall a distance equivalent to three times the height of the wall and if the wall is supporting a slope, then the cross section shall include the entire slope plus surface grades and structures within a horizontal distance equivalent to one times the height of the slope;

(3) A site plan showing the location of the retaining walls with the base elevation, exposed base elevation and top of wall labeled at the ends of the wall and every 50 linear feet or change in grade;

(4) A drainage design, including a free-draining gravel layer wrapped in filter fabric located behind the retaining wall with drain pipe day-lighting to a proper outlet or weep holes placed through the base of the wall, however:

(g) Maintenance. All retaining walls must be maintained in a structurally safe and sound condition and in good repair.

Section 5. Penalty for violation. Violation of this ordinance shall be deemed a misdemeanor, and shall be punishable in accordance with that level of offense under Minnesota law. Additionally, violators shall be subject to an action for an injunction and shall be liable for all court costs and attorney's fees in that proceeding.

ADMINISTRATION AND ENFORCEMENT

151.49 CONSISTENCY WITH STATE LAW.

Notwithstanding anything in this chapter to the contrary, the provisions of M.S. ' 15.99 as it may be amended from time to time, and the following sections shall govern the process for making decisions under this chapter. To the extent to which these sections conflict with the provisions of M.S. ' 15.99, as it may be amended from time to time, the provisions of that statute shall apply.

151.50 APPLICATIONS.

(A) Notwithstanding anything to the contrary in this chapter, all applications for any site plan, conditional use permit, land use permit, variance, or for any other city approval required by this chapter, or to amend this chapter, shall be made in writing on a form provided by the city, if the city has a form, to the City Clerk or other person appointed by the City Council to administer this chapter. The Zoning Administrator is authorized to reject in writing any incomplete application within 15 business days of receipt if the application is incomplete, stating the reasons for its rejection, including what information is missing. This rejection shall be sent by first-class mail to the applicant. Every application shall contain the legal description of the property and a statement of the specific permit or action being sought.

Nothing in this section shall be deemed to prevent the city from requesting additional information from the applicant upon which to base a decision.

(B) As authorized by M.S. ' 462.353, as it may be amended from time to time, if a dispute arises over a specific fee imposed by the city, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal to district court, as provided by M.S. ' 462.361, as it may be amended from time to time. The application shall proceed as if the fee had been paid, pending a decision of the court.

151.51 PUBLIC NOTICE AND HEARINGS.

As required by M.S. ' 462.357 and M.S. ' 462.3595 a public hearing shall be held by the City Council or the Planning Commission, if a Planning Commission exists in the city, before any conditional use permit, variance, or zoning amendment may be granted. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the city at least ten days prior to the day of the hearing. In the case of an amendment to the zoning code which involves changes in district boundaries affecting an area of five acres or less, and in the case of an application for a conditional use permit or a variance, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the zoning code amendment, conditional use or variance relates. The applicant shall provide a list of the owners of affected property and property situated wholly or partly within 350 feet of the property to which the hearing relates. The Clerk or other person appointed by the City Council to administer this chapter may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the Clerk or other person appointed by the City Council to administer this chapter and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the mailed notice requirements has been made.

151.52 FINAL ACTIONS.

As required by M.S. ' 15.99 as it may be amended from time to time, commonly called the 60-day rule, all approvals and denials of applications for a zoning amendment, site plan, conditional use permit, land use permit, variance or any other application which requires a city approval under this chapter must be made within the timeline and following the process of M.S. ' 15.99. Failure to follow the requirements of the statute may result in automatic approval of applications.

151.53 NOTICE OF DECISION.

As required by M.S. ' 15.99, as it may be amended from time to time, commonly called the 60-day rule, notice of approvals and denials of applications for a zoning amendment, site plan, conditional use permit, land use permit, variance or any other application which requires a city approval under this chapter must be provided within the timeline and following the process of M.S. ' 15.99. Failure to follow the requirements of the statute may result in automatic approval of applications.

151.54 LAND USE PERMIT REQUIRED.

No structure or fence subject to ' 151.46 shall be constructed until a land use permit has been obtained from the City Clerk or other person appointed by the City Council to administer this chapter. The application shall contain a plan showing the location on the structure or fence on the property that demonstrates that all requirements of this code will be met. The application shall also contain the plans for the structure to be built that demonstrates that the structure will meet all of the standards established by this zoning code. If an application requires a zoning amendment, conditional use permit or variance, no land use permit shall be issued by the Clerk or other person appointed by the City Council to administer this chapter until any application for a zoning amendment, conditional use permit or variance has been acted upon by the City Council. A decision by the Clerk or other person appointed by the City Council to administer this chapter not to issue a land use permit may be appealed to the Board of Appeals and Adjustments as provided for in ' 151.60. No residential contractor who is required to be licensed by the state, and no person employing a residential contractor who is required to be licensed, shall be issued a land use permit unless that contractor is licensed. Any person applying for a permit who is required to have a state license, but who does not have a state license, shall be reported to the State Commissioner of Commerce.

151.55 CONDITIONAL USE PERMITS.

Pursuant to M.S. ' 462.3595, as it may be amended from time to time, conditional uses may be approved by the City Council by a showing by the applicant that the standards and criteria stated in this zoning code, and any conditions imposed by the City Council, will be satisfied. A public hearing on the granting of a conditional use permit shall be held in the manner provided in ' 151.51. A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but the Council may enact or amend the zoning code to change the status of conditional uses. A conditional use permit shall not become effective until a certified copy is filed by the applicant with the County Recorder, which shall include the legal description of the property included.

151.56 BOARD OF APPEALS AND ADJUSTMENTS.

The City Council shall be the Board of Appeals and Adjustments for this city, and have the powers granted under M.S. ' ' 462.357, Subd. 6 and 462.359, Subd. 4, as they may be amended from time to time.

151.57 VARIANCES.

Pursuant to M.S. ' 462.357, Subd. 6, as it may be amended from time to time, the City Council, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property. A variance from the literal provisions of this zoning code may be granted by the Board of Appeals and Adjustments only

when the variance is in harmony with the general purposes and intent of the zoning code and the variance is consistent with the comprehensive plan, if the city has adopted one. A variance may be granted when the applicant for the variance establishes that there are **PRACTICAL DIFFICULTIES** in complying with the zoning ordinance. **PRACTICAL DIFFICULTIES** as used in connection with granting a variance, means the property owner proposes to use the property in a reasonable manner not permitted by the zoning code; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Variations shall be granted for earth sheltered construction as defined in M.S. ' 216C.06, Subd. 14, as it may be amended from time to time, when in harmony with this zoning code. The Board of Appeals and Adjustments may not permit as a variance any use that is not allowed under this zoning code for property in the zone where the affected person's land is located. The Board of Appeals and Adjustments may permit as a variance the temporary use of a one-family dwelling as a two-family dwelling. The Board of Appeals and Adjustments may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties. A condition must be directly related to and must bear rough proportionality to the impact created by the variance. The variance shall not become effective until a certified copy is filed by the applicant with the County Recorder, which shall include the legal description of the property included.

151.58 NONCONFORMING USES.

(A) As required by M.S. ' 462.357, as it may be amended from time to time, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of these zoning regulations, may be continued, including through repair, replacement, restoration, maintenance or improvement, but not including expansion, unless the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City Council may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. A subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

(B) Notwithstanding division (A), the city may regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction of flood flows in the floodway.

(C) Nonconforming shore land lots of record are subject to the provisions of M.S. ' 462.357, as it may be amended from time to time.

151.59 AMENDMENTS.

(A) The clerk, or other person appointed by the City Council, may inspect any property that is the subject of any application under this chapter, with either the permission of the owner, resident or other person in control of the property, or after first obtaining an administrative search warrant as provided for under ' 10.20.

(B) An amendment to this zoning code may be initiated by the City Council or by petition of affected property owners. The requirements for public notice and hearing contained in ' 151.51 shall be followed. The zoning code may be amended by a majority vote of all of the members of the City Council. The adoption of an

amendment which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the City Council.

151.60 APPEALS.

Appeals to the City Council acting as the Board of Appeals and Adjustments may be taken by any affected person where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer of the city in the enforcement of the zoning code. No mailed or published notice of the hearing on the appeal is required, but a public hearing shall be held on each appeal.

151.61 RECORD OF DECISIONS.

The Council may provide that a record be made of its proceedings concerning its actions on any application for a permit, zoning ordinance amendment, or appeal. This record may include the minutes of the meeting, the findings of the Council and the action taken.

151.62 PLANNING COMMISSION.

The provisions of Minnesota Basic Code of Ordinances ' ' 31.45 to 31.48 are inoperable until the Council appoints a Planning Commission. Nothing in those provisions requires the Council to appoint a Planning Commission.

151.63 FEES.

As provided by M.S. ' 462.353, Subd. 4, as it may be amended from time to time; fees may be established as follows:

(A) The Council may in a separate ordinance, or in the Ordinance Establishing Fees and Charges, prescribe fees sufficient to defray the costs incurred in reviewing, investigating, and administering applications for an amendment to the provisions of this chapter and to all official maps, and applications for a permit, a variance or for some other approval required under this chapter.

(B) These fees must be fair, reasonable and proportionate to the actual cost of the service for which the fee is imposed. The city shall adopt management and accounting procedures to ensure that fees are maintained and used only for the purpose for which they are collected.

(C) If a dispute arises over a specific fee imposed by a city, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal to district court as provided by M.S. ' 462.361, as it may be amended from time to time. The application shall proceed as if the fee had been paid, pending a decision by the court.

151.64 CERTIFICATION OF TAXES PAID.

Prior to approving an application for any city land use permit, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, unpaid utility charges certified for payment as taxes, interest, or city utility fees due upon the parcel of land to which the land use permit relates.

151.99 ENFORCEMENT.

(A) The City Council may direct the Clerk or other person appointed by the City Council to administer this chapter to send a notice of any violation. When so directed, a notice of a violation shall be mailed by the Clerk or other person appointed by the City Council to administer this chapter to any person who, in the opinion of the Clerk or other person appointed by the City Council to administer this chapter, is in violation of the provisions of

the zoning code. The notice shall state the nature of the violation and the penalty for the violation. A person who is issued a notice of violation may appeal the issuance to the City Council under the provisions of ' 151.60.

(B) If the person to whom the notice of violation is directed fails to comply with the applicable provisions of the zoning code, that person is guilty of a misdemeanor and shall be punished as provided by ' 10.99.

(C) Each day the violation continues is a separate offense.

(D) The city may also enforce any provision of this zoning code by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

(E) A person who knowingly makes or submits a false statement or document in connection with an application or procedure required by this section is guilty of a misdemeanor and shall be punished as provided by ' 10.99.

(F) A person who violates, fails to comply with or assists, directs or permits the violation of a performance standards required by ' 151.30 must reimburse the city or its agent for the actual costs of the tests, measurements or other procedures necessary to demonstrate that violation.

(G) A violation of this chapter or a condition imposed under this chapter is a public nuisance. The public nuisance may be abated in accordance with Chapter 92.

(H) No section or part of this chapter designating the duties of an official, employee or appointee of the city may be construed to make that official, employee or appointee liable for the penalty provided by the city ordinances for violation of this chapter.