

Section 330.04 Administration

Subd. 1. Enforcing Officer, The Lanesboro City Council shall appoint or contract for the services of a Zoning Administrator whose term of office shall terminate at the pleasure of the governing body. The Zoning Administrator shall enforce this Ordinance and shall perform the following duties:

- a. Issue building and other permits and make and maintain records thereof.
- b. Conduct inspections of locations of buildings and use of land to determine compliance with the terms of this Ordinance.
- c. Maintain permanent and current records of this Ordinance, including but not limited to: all maps, amendments and conditional uses, variances, appeals, and applications therefore.
- d. Receive, file, and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- e. Institute, in the name of the City, any appropriate actions or proceedings against a violator as provided for.
- f. The Zoning Administrator shall have the power to enter, at reasonable times, upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

Subd. 2. Appeals and Board of Adjustment.

- a. The Lanesboro City Council shall serve as the Board of Adjustment.
- b. The Board of Adjustment shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person, firm, or corporation aggrieved, or by any officer, department, board or bureau of a town, municipality, county, or state.
- c. The Board of Adjustment shall also have the power to grant variance to provisions of the Zoning Ordinance under certain conditions. The conditions for the issuance of a variance are as indicated in Section 330.04, Subd. 6 of this Ordinance. No use variance (land use other than permitted in the district) shall be issued by the Board of Adjustment.
- d. Hearings by the Board of Adjustment shall be held within such time and upon such notice to interested parties as is provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

Subd. 3. Duties of the Planning Commission in Zoning Administration, The Planning Commission shall provide assistance to the City Council and Zoning Administrator in the administration of this Ordinance and the recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings, and make recommendations to the City Council on all applications for zoning amendments, conditional use permits, and variances using the criteria in Section 330.04.

Subd. 4. Zoning Amendments (Rezoning).

- a. Criteria for Granting Zoning Amendments; The City Council may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan or changes in conditions in the City.
- b. Kinds of Amendments.
 1. A change in a district's boundary (rezoning).
 2. A change in the Zoning Ordinance.
 3. A change in any other provision of this Ordinance.

- c. Initiation of Proceedings. Proceedings for amending this Ordinance shall be initiated by at least one of the following three methods:
1. By petition of any owner or owners of property which is proposed to be rezoned, or for which zoning ordinance or district regulation changes are proposed.
 2. By recommendation of the Planning Commission.
 3. By action of the City Council.
- d. Procedure.
1. If the procedure is being initiated by a property owner, that owner shall comply with the following requirements:
 - (a) The owner shall complete an application form and pay the filing fee as established by the City Council.
 - (b) The owner shall submit a boundary survey and preliminary building and site development plan for the property. The plan must indicate the names of all adjacent property owners.
 - (c) The owner shall appear at the public hearing to explain the basis for the request.
 2. The Zoning Administrator shall transmit the application and exhibits to the Planning Commission, shall notify all adjacent property owners about the request, shall set the date for the public hearing, and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing.
 3. If the amendment (rezoning) to the zoning ordinance is city-wide in nature, property owners need only be notified of the proposed amendment via the published public hearing notice.
 4. The Planning Commission shall hold the public hearing, and within sixty (60) days, shall recommend approval, denial, or conditional approval of the request. Before the sixty (60) days elapse, the City Council shall be notified of the Planning Commission recommendation.
 5. The City Council shall affirm, modify, or deny the Planning Commission recommendations within the next sixty (60) days.
- e. Floodplain Amendments. The flood plain designation on the Official Zoning Map shall not be removed from flood plain 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 regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use, all amendments to the general provisions, district conditions, and any other portions of this ordinance that relate to floodplain development, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10 days, notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

Subd. 5. Conditional Use Permits.

- a. Criteria for Granting, Conditional Use Permits. In granting a conditional use permit, the Lanesboro City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the Comprehensive Plan and upon the health, safety, morals, and general welfare of occupants of the surrounding area. Among other things, the City Council shall make the following finding where applicable:
1. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area

2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value, nor will the use deter development of vacant land.
3. The structure and site have an appearance that will not have an adverse effect upon adjacent residential properties.
4. The use is reasonably related to the overall needs of the City and to the existing land use.
5. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is not in conflict with policies of the City.
7. The use will not cause traffic hazard or congestion.
8. The use will not cause air, noise, water or visual pollution.
9. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

b. Additional Conditions. In addition to the standards and requirements expressly specified in this Ordinance, the City Council may impose additional conditions which it considers necessary to protect the surrounding area and/or the community as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Imposing time limitations on the use.
10. Modifications of waste treatment and water supply facilities.
11. Limitations on period of use, occupancy and operation.
12. Imposition of operational controls, sureties, and deed restrictions.
13. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
14. Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

c. Procedure.

1. The property owner shall comply with the following requirements:
 - (a) The owner shall complete an application form and pay the filing fee as established by the City Council.
 - (b) The owner shall submit a boundary survey and preliminary building and site development plan for the property. The plan must indicate the names of all adjacent property owners.

(c) The owner shall appear at the public hearing to explain the basis for the request.

2. The Zoning Administrator shall transmit the application and exhibits to the Planning Commission, shall notify all adjacent property owners about the request, shall set the date for the public hearing, and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. In addition, the Zoning Administrator shall maintain a record of all conditional use permits issued, including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.

3. The Planning Commission shall hold the public hearing, and within sixty (60) days, shall recommend approval, denial, or conditional approval of the request. Before the sixty (60) days elapse, the City Council shall be notified of the Planning Commission recommendation.

4. The City Council shall affirm, modify, or deny the Planning Commission recommendations within the next sixty (60) days.

d. Revocation of Conditional Use Permits.

1. Where a Conditional Use Permit has been issued pursuant to the provisions of this Ordinance, such permit shall become null and void unless:

a. Work thereon commences within one (1) year from the date the City Council approves the permit.

b. Work is completed not more than 2 years from the work commencement date, unless additional time is specifically given by City Council Resolution.

2. The Conditional Use Permit authorizes only one particular use, and shall expire if that use ceases for more than twelve (12) consecutive months.

3. In the event the applicant violates any conditions set forth in the permit, the City Council shall have the authority to revoke the Conditional Use Permit.

e. Conditional Uses With in the Floodplain District.

1. Upon filing an application for a Conditional Use Permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for said use sufficiently in advance so that the Commissioner will receive at least ten days, notice of the hearing.

2. Copies of all decisions granting conditional uses must be received by the Commissioner of Natural Resources within 10 days of such decisions.

Subd. 6. Variances.

a. Criteria for Granting Variances. A variance to the provisions of this Ordinance may be issued to provide relief to the land owner in those zones where this Ordinance imposes undue hardship or practical difficulties to the property owner in the use of this land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the effective date of this Ordinance have had no control.

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. That the special conditions or circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to owners of other lands, structures or buildings in the same district.

5. The variance requested is the minimum variance which would alleviate the hardship; and

6. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.

7. A proposed home or building improvement may be allowed without a variance, provided it meets the following additional criteria:

(a) It does not intrude on any setback to a degree greater than the building line of the existing principal structure.

(b) It is not located within the Floodplain District.

b. Procedure.

1. The property owner shall comply with the following requirements:

(a) The owner shall complete an application form and pay the filing fee as established by the City Council.

(b) The owner shall submit a boundary survey and preliminary building and site development plan for the property. The plan must indicate the names of all adjacent property owners.

(c) The owner shall appear at the public hearing to explain the basis for the request.

2. The Zoning Administrator shall transmit the application and exhibits to the Planning Commission, shall notify all adjacent property owners about the request, shall set the date for the public hearing, and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing.

3. The Planning Commission shall hold the public hearing, and within sixty (60) days, shall recommend approval, denial, or conditional approval of the request. Before the sixty (60) days elapse, the City Council shall be notified of the Planning Commission recommendation.

4. The City Council shall affirm, modify, or deny the Planning Commission recommendations within the next sixty (60) days.

C. Variances within the Floodplain District.

1. Notification of all applications for variances within the Floodplain District must be received by the Commissioner of Natural Resources 10 days in advance of the public hearing.

2. Copies of all decisions granting variances must be received by the Commissioner of Natural Resources within 10 days of such decisions.

3. Variances must not allow a lower degree of flood protection than the Regulatory Flood Protection Elevation.

4. If the Board of Adjustment authorizes a variance from the terms of this Ordinance, it shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance.

5. Flood Insurance Notice and Record Keeping, The Zoning Administrator shall 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 100-year or regional flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

Subd. 7. Enforcement. It shall be the duty of the Zoning Administrator to cause the provisions of this Ordinance to be properly enforced through the proper legal channels.

Subd. 8. Building. Permit.

- a. Hereafter, no person shall erect, add on to, remove, demolish, or move any kind of structure or building or part thereof without first securing a Building Permit from the Zoning Administrator.
- b. The property owner shall comply with the following requirements:
 - 1. The owner shall complete an application form and pay the filing fee as established by the City Council.
 - 2. The owner shall submit a boundary survey and preliminary building and site development plan for the property.
- c. The preliminary building and site development plan must illustrate lot boundaries and dimensions, location and size of all existing and proposed buildings.
- d. The Zoning Administrator may request the following additional information from the applicant if pertinent: location of easements, foliage, topography and waterways, existing and proposed parking, landscaping, size and location of all signs, building floor plans, building elevations.
- e. Heritage Preservation District Requirements. In the event the property for which a building permit is requested is located within the Lanesboro Heritage Preservation District or is a Heritage Preservation Site, the following additional requirements apply:
 - 1. The review shall be carried out in accordance with Ordinance 320.40 of the Lanesboro City Codes. This code specifies that the following types of building activity shall be reviewed by the Heritage Preservation Commission:
 - (a) Remodeling or repair in any manner that will change the exterior appearance of the building or site;
 - (b) Construction;
 - (c) Moving a building;
 - (d) Demolition in whole or in part;
 - (e) Repair, removal, replacement, or erection of exterior signs.
 - 2. Upon receiving a building permit application involving building activities as cited in 1. above, the Zoning Administrator shall immediately provide copies of the application form, preliminary site and development plan, and all other related exhibits to the Lanesboro Heritage Preservation Commission.
 - 3. The Lanesboro Heritage Preservation Commission shall make a recommendation to affirm, deny, or modify the permit request, within thirty (30) days of receipt of the request from the Zoning Administrator.
 - 4. If the Heritage Preservation Commission recommends approval of the permit request, and if the proposed development does not also involve a zoning amendment, conditional use permit, or variance request, the Zoning Administrator may issue the building permit without further delay.
 - 5. If the Heritage Preservation Commission recommends denial of the permit request in any respect, its recommendation shall be forwarded to the City Council, which may vote to affirm, overrule or modify the recommendation of the Preservation Commission.
- f. Floodplain District. Special permit requirements apply to all activity within the Lanesboro Floodplain. The Zoning Administrator and applicant shall comply with all permit requirements as outlined in Section 330.05, Subdivision 13.
- g. If the proposed development conforms in all respects to this Ordinance, a building permit shall be issued by the Zoning Administrator within a period of thirty (30) days.
- h. If the proposed development involves a zoning amendment, variance, or conditional use permit, the application shall be forwarded to the Planning Commission and City Council as specified above.

Subd. 9. Home Occupation Permit.

- a. Hereafter, no person shall conduct a home occupation without receiving an annual home occupation permit from the Zoning Administrator.

- b. The owner of the home occupation shall comply with the following requirements:
1. The owner shall complete an application form and pay the filing fee as established by the City Council.
 2. Home occupations existing at the time of the passage of this ordinance shall be given up to three (3) years from the date of passage to comply with all requirements of this ordinance,
 3. The owner of the home occupation shall comply with all requirements as outlined in section 330.06, Subd. 23.