

### **Section 330.05 Zoning Districts and District Provisions.**

Subd. 1. Purpose. The zoning districts carry out and are based on the intents and purposes of the Comprehensive Plan, which also has the purpose of protecting the public health, safety and convenience and general welfare.

Subd. 2. Zoning Districts. For the purposes of this Ordinance, the City of Lanesboro is hereby divided into the following Zoning Districts:

- RA - Rural Agricultural District
- R-1 - Single Family Residential District
- R-2 - Multi-Family Residential District
- R-3 - Residential Business District
- C-1 - Downtown Commercial District
- C-2 - Highway Commercial District
- I-1 - Downtown Industrial District
- I-2 - Limited Industrial District
- MH - Mobile Home District
- FP - Floodplain District
- HP - Heritage Preservation District
- PUD - Planned Unit Development District

Subd. 3. Zoning Map. The location and boundaries of the districts established by this Ordinance are set forth on the Official Zoning Map which is hereby incorporated as part of this Ordinance and which is on file with the City Clerk. It shall be the responsibility of the Zoning Administrator to maintain and update this map and the amendments to such map shall be recorded on this map within 30 days after official adoption of the zoning amendments. District boundary lines recorded on the City Zoning Map are intended to follow lot lines, the centerlines of streets or alleys, the center of watercourses or the corporate limit lines as they exist at the time of the enactment of this Ordinance.

Subd. 4. "RA" -Rural Agricultural District.

A. Purpose. To allow agricultural uses and low density single-family residences which will have a minimum impact on the natural resources in the area as well as the need for urban services.

B. Permitted Uses.

- Agricultural Land Uses Farmstead Residences Single Family Dwellings
- Boarding Houses or Bed and Breakfasts
- Forestry and Nurseries Essential Services
- Golf Courses
- Playgrounds, Parks and Trails
- Home occupations

C. Permitted Accessory Uses.

- Garages
- Fences
- Gardening and horticultural uses
- Recreation equipment
- Any uses customarily associated with and incidental to the permitted uses

D. Conditional Uses

- TV and Radio Towers
- Federal, State, Local Government and School District buildings and structures
- Solid Waste Disposal Sites
- Feedlots

E. prohibited Uses

- Junkyards Quarries

F. Lot Area, Width and Minimum Setback Requirements

1. Front Yard Setback: 40 feet from the road right-of-way.
2. Side Yard Setback: 10 feet
3. Rear Yard Setback: 40 feet.
4. Minimum Lot Area: 12,000 square feet
5. Minimum Lot Width: 100 feet.

G. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 5 "R-1" - Single Family Residential District

A. Purpose. To allow the continuation of existing residential development and infilling of existing lots in the older residential areas of the city where central sewer and water systems are available.

B. Permitted Uses.

- Single family residential structures
- Bed and Breakfasts with 2 rooms or less
- Home occupations
- Public recreation including parks and playgrounds Churches, chapels, parish houses
- Cemeteries
- Elementary schools
- High school
- Community Center
- Essential services - telephone, telegraph, power lines and necessary appurtenant equipment and structures

C. Permitted Accessory Uses. Any incidental structure or buildings necessary to the conduct of a permitted use, including private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structure.

D. Conditional Uses.

- Inns/Bed and Breakfasts with 3-6 rooms
- Duplexes
- Golf Courses, excluding miniature golf courses

E. Lot Area. Width and Minimum Setback Requirements.

1. Front Yard Setback: 30 feet from front lot line
2. Side Yard Setback: 6 feet.
3. Rear Yard Setback: 20 feet.
4. Minimum Lot Area: 7000 square feet
5. Minimum Lot Width: 50 feet.

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

F. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 6. "R-2" - Multi-Family Residential District.

A. Purpose. To allow multiple family dwellings in areas that are provided with City water and sewer systems.

B. Permitted Uses.

- All uses permitted in the R-1 District Duplexes
- Townhouses and condominiums
- Apartments

C. Permitted Accessory, Uses. All accessory uses as permitted in the R-1 District.

D. Conditional Uses.

- All conditional uses in R-1 District
- Apartment complexes containing 22 or more units

E. Lot Area, Width and Minimum Setback Requirements.

1. Front Yard Setback: 30 feet from front lot line.

2. Side Yard Setback: 15 feet.

3. Rear Yard Setback: 30 feet.

4. Minimum Lot Area:

- 1-2 units: 7,000 square feet
- 3-21 units: 7,000 square feet plus 1100 square feet for each unit.
- 22 or more units: 15,000 square feet plus 800 square feet for each unit.

5. Minimum Lot Width: 50 feet.

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

F. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 7. Residential Business District.

A. Purpose. To allow an appropriate mixture of multi-family residential and office or limited retail uses in areas that is provided with City water and sewer.

B. Permitted Uses. All those uses as permitted in the R-2 District. Also Boarding Houses.

C. Permitted Accessory Uses. All those accessory uses as permitted in the R2 District.

D. Conditional Uses. All conditional uses as identified in the R-2 District. In addition: Art, craft, and antique stores, Ice cream and candy stores, Restaurants seating no more than 30 people, Flower shops, Boarding Houses, and Other retail uses consistent with the purposes of the district.

E. Lot Area, Width and Minimum Setback Requirements. For residential uses, all lot area, width and setback requirements shall be identical to those in the R-2 District. For conditional commercial uses, the following setbacks shall apply:

1. Front Yard Setback: 30 feet from the front lot line.

2. Side Yard Setback: 15 feet

3. Rear Yard Setback: 30 feet
  4. Minimum Lot Area: 9,000 square feet, provided that adequate parking is provided within the lot as outlined in Section 330.06.
  5. Minimum Lot Width: 75 feet.
  6. For detached garages with side-on entries, adjacent to the alley, a rear yard setback of 3 feet shall apply.
- F. Additional Requirements: Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.
- Subd. 8. "C1" - Downtown Commercial District.
- A. Purpose. To allow infill commercial development compatible with the downtown business district.
- B. Permitted Uses.
1. Retail establishments such as groceries, bakery, department stores, and hardware, drug, clothing and furniture stores.
  2. Personal services such as laundry, barber, and shoe repair shop and photography studios.
  3. Restaurants, cafes and supper clubs
  4. Professional services such as medical and dental clinics, architects, attorneys, and other professional offices.
  5. Repair services such a jewelry, radio and television repair shops.
  6. Banks, finance, insurance and real estate services.
  7. Entertainment and amusement services such as theaters, bowling alleys, art galleries.
  8. Lodging services such as hotels, inns, and bed and breakfasts.
  9. Government buildings.
  10. Clubs and Lodges
  11. Second and third floor apartments, not to exceed 5 units.
  12. On and off sale liquor.
  13. Recreation equipment rentals.
- C. Permitted Accessory Uses.
- Landscaping
  - Parking facilities
  - Fences
  - Any incidental repair, processing and storage necessary to conduct a principal use but not exceeding 30% of the floor space of the principal building
- D. Conditional Uses.
1. Auto body shops
  2. Auto service stations
  3. Equipment repair shops
  4. Light industry such as printing shops that require direct contact with the public.
  5. Other uses which in the opinion of the Planning Commission and the City Council are of the same general character as the permitted uses and which will not be detrimental to the downtown.
- E. Lot Area, Width and Minimum Setback Requirements.
1. Setbacks: The following criteria shall govern setbacks in this district:

- a) No infill development shall be closer to the front lot line than adjacent commercial uses.
- b) There is no minimum side yard setback.
- c) Rear yard setback: 10 feet

2. Minimum Lot Area: 2,000 square feet

3. Minimum Lot Width: 25 feet

F. Additional Requirements.

1. Electrical wiring in new infill development or building renovation shall be conducted as approved by the State Electrical Inspector.
2. Any activity requiring a building permit within the Heritage Preservation District or a Heritage Preservation site shall require review by the Lanesboro Heritage Preservation Commission.
3. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 9. "C-2" - Highway Commercial District.

- A. Purpose. To accommodate businesses that is oriented to the travelling public and requires highway access. To minimize strip development, these districts should only allow businesses that absolutely require highway access and exposure.
- B. Permitted Uses.
  - Farm implement dealers
  - Drive-in restaurants
  - Recreation equipment sales
  - Motels, hotels and other lodging facilities
  - Auto service stations
  - Permanent produce stands
  - Auto sales lot
  - Cafes and restaurants and formula restaurants
- C. Permitted Accessory Uses. All those accessory uses as permitted in the C-1 District.
- D. Conditional Uses. All those conditional uses as are permitted in the C-1 District.
- E. Lot Area, Width and Minimum Setback Requirements.
  1. Front Yard Setback: 45 feet from front lot line.
  2. Side Yard Setback: 20 feet
  3. Rear Yard Setback: 20 feet
  4. Minimum Lot Area: 10,000 square feet.
  5. Minimum Lot Width: 100 feet.
- F. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 10. "I-1" - Downtown Industrial District.

- A. Purpose. To allow a limited amount of industrial development to occur, in a manner compatible with the general character of the downtown. Industries that pose problems of air pollution, noise, vibrations, etc., will be restricted from this District.

B. Permitted Uses.

- Lumber Yard
- Wholesale manufacturing businesses
- Warehouses
- Public vehicle garage
- Auto repair garage
- -Contractor's shops and facilities. --
- Laboratories for research and quality control.
- Trade schools
- Offices
- Essential services - utility lines and necessary appurtenant structures.

C. Permitted Accessory Uses. Any incidental repair, processing, or storage necessary to conduct a permitted principal use.

D. Conditional Uses. Uses which in the opinion of the Planning Commission and the City Council are of the same general character as the permitted uses and which will not be detrimental to the downtown.

E. Lot Area, Width and Setback Requirements.

1. Setbacks: The following criteria shall govern setbacks in this district:

- (a) No infill development shall be closer to the front lot line than adjacent uses.
- (b) There is no minimum side yard setback.
- (c) Rear yard setback: 20 feet.

2. Minimum Lot Area: 7,000 square feet.

3. Minimum Lot Width: 50 feet.

F. Additional Requirements.

1. Electrical wiring in new infill development or building renovation shall be conducted as approved by the State Electrical Inspector.

2. Any activity requiring a building permit within the Heritage Preservation District or a Heritage Preservation site shall require review by the Lanesboro Heritage Preservation Commission.

3. All required loading activities shall be accommodated on-site.

4. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 11. "I-2" - Limited Industrial District.

A. Purpose. To allow industrial development consistent with community goals within the Lanesboro Industrial Park.

B. Permitted Uses.

- All uses as permitted within the I-1 District
- Crop storage
- Processing and drying facilities

C. Permitted Accessory Uses.

1. Off-street parking, storage garage, buildings, and loading as required by this Ordinance.
2. Buildings temporarily located for the purposes of construction.
3. Essential security and safety facilities.

D. Conditional Uses.

1. Dwellings for watchmen or custodians of industrial property.
2. Uses which in the opinion of the Planning Commission and the City Council are of the same general character as the permitted uses and which will not be detrimental to the health, safety and welfare of the community.

E. Lot Area, Width and Setback, Requirements.

1. Front Yard Setback: 75 feet from the pavement or curb edge.
2. Side Yard Setback: 30 feet; or 50 feet where adjacent to a residential area.
3. Rear Yard Setback: 30 feet.
4. Minimum Lot Area: 20,000 square feet
5. Minimum Lot Width: 100 feet.

F. Additional Requirements.

1. All required loading activities shall be accommodated on-site.
2. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 12. "MH" - Mobile Home District.

A. Purpose. To maintain property values and to promote the health, safety, order, convenience, and general welfare by establishing minimum standards for the design, construction, alteration and enlargement of mobile home parks. Such parks are only to be located in areas served by City water and sewer.

B. Permitted Uses.

- Mobile Homes
- Community Buildings
- Parks and recreation areas
- Essential services including telephone, telegraph and power lines

C. Permitted Accessory Uses. Any incidental structure or building including carports, screen houses, garages, and storage buildings for use of the occupants of the mobile home units.

D. Lot Area, Width and Minimum Setback Requirements.

1. Front Yard Setback: 25 feet from front lot line.
2. Side Yard Setback: 10 feet
3. Rear Yard Setback: 20 feet
4. Minimum Lot Area: 5,000 square feet
5. Minimum Lot Width: 50 feet.

E. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 13. "FP" - Floodplain District.

A. Purpose. To create an overlay zoning district which will protect the flood hazard areas of the City of Lanesboro, which are subject to periodic inundation resulting in potential loss of life, loss of 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, all of which adversely affect the public health, safety, and general welfare.

B. Permit Requirements.

1. Permit Required. A permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use of change of use of a building, structure or land; prior to the change or extension of a nonconforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
2. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
3. State and Federal Permits. Prior to granting a permit or processing an application for a Conditional Use Permit or Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal permits.
4. Certificate of Zoning Compliance for a new, altered, or nonconforming use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
5. Construction and Use to be as provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, Conditional Use Permits, or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Subdivision i., below.
6. Certification. The applicant shall be 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 shall be certified by a registered professional engineer or registered architect.
7. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.

C. Floodplain Map and Sub-Districts.

1. The Lanesboro Flood Insurance Study prepared by the Federal Insurance Administration and dated March 2, 1981, and the Flood Boundary and Floodway Map dated September 2, 1981, and the Flood Insurance Rate Map dated September 2, 1981, are hereby adopted by reference and declared to be a part of this Ordinance.
2. For the purpose of this Ordinance, the Floodplain is divided into two separate districts as follows:
  - (a) Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Boundary and Floodway Map as cited in Subd. 13.b.1. above.
  - (b) Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map as cited in Subd. 13.b.1. above.

D. Floodway District.

1. Permitted Uses:
  - (a) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.



(b) Industrial/commercial loading and parking areas.

(c) 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, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

(d) Residential lawns, gardens, parking areas, and play areas.

2. Standards for Floodway Permitted Uses:

(a) The use shall have low flood damage potential.

(b) The use shall be permissible in the underlying zoning district if one exists.

(c) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

3. Conditional Uses:

(a) Structures accessory to the permitted uses within the floodway and the uses listed in 3.(b)-(h) below.

(b) Extraction and storage of sand, gravel, and other materials.

(c) Marinas, boat rentals, docks, piers, wharfs, and water control structures.

(d) Railroads, streets, bridges, utility transmission lines, and pipelines.

(e) Storage yards for equipment, machinery, or materials.

(f) Placement of fill.

(g) Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Subdivision 13.f. of this Section.

(h) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4. Standards for Floodway Conditional Uses:

(a) All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

(b) All floodway Conditional Uses shall be subject to the procedures and standards contained in Section 330.04, Subdivision 5 of this Ordinance.

(c) The conditional use shall be permissible in the underlying zoning district if one exists.

(d) Fill:

(1) Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

(2) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

(3) As an alternative, and consistent with Subsection (2) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which

would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Office of the County Recorder.

(e) Accessory Structures:

(1) Accessory structures shall not be designed for human habitation.

(2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

I. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,

II. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(3) Accessory structures shall be elevated on fill or structural dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classification in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:

I. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and

II. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

(f) Storage of Materials and Equipment:

(1) 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.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

(g) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 105. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

(h) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

E. Flood Fringe District.

1. Permitted Uses: Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). All Permitted Uses shall comply with the standards for Flood Fringe "Permitted Uses" listed in subsection 2. immediately below and the standards for all Flood Fringe "Permitted and Conditional Uses" listed in subsection 5. below.

2. Standards for Flood Fringe Permitted Uses.

(a) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for

structures shall be no lower than one(1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

(b) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with Subd.13.c.4.(e)(3).

(c) The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with (a) above.

(d) The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

(e) The provisions of subsection 5. below shall apply.

3. Conditional Uses: Any structure or use of land that does not comply with subsection 2. immediately above shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in subsection 4. and 5. below, as well as Section 330.04, Subdivision 5 of this Ordinance.

4. Standards for Flood Fringe Conditional Uses:

(a) Alternative elevation methods other than the use of fill may be used to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) if the enclosed area is above-grade on at least one side of the structure; 2) is designed to internally flood and is constructed with flood resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above noted alternative elevation methods are subject to the following additional standards:

(1) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(2) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

I. The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood water to equalize pressures, the bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

II. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

(b) Basements shall be subject to the following:

(1) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.

(2) Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with subsection (c) immediately below.

(c) All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

(d) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

(e) Storage of Materials and equipment:

(1) 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.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

(3) The provisions of subsection e. immediately below shall also apply.

5. Standards for All Flood Fringe Uses:

(a) All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

(b) Commercial and Industrial uses - accessory land uses, such as yards and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

(c) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation, FEMA's standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(d) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

(e) All manufactured homes must be securely anchored to a foundation 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.

(f) Public Utilities, Railroads, Roads, and Bridges.

1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Section d. of this Subdivision. Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety of 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.

3. On-site Sewage Treatment and Water, Supply Systems: Where public utilities are not provided:

(a) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems.

(b) 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 and they shall not be subject to impairment or contamination during times of flooding.

(c) Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

g. Manufactured Homes and Manufactured Homes Parks and Placement of Travel Trailers and Travel Vehicles.

1. The placement of new or replacement manufactured homes on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section e. of this Subdivision.

2. Travel trailers and travel vehicles are exempt from the provisions of this Subdivision if they are placed in any of the areas listed in 3. below and further they meet the following criteria:

(a) Have current licenses required for highway use.

(b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.

(c) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

3. Areas Exempted For Placement of Travel/Recreational Vehicles:

(a) Individual lots or parcels of record.

(b) Existing commercial recreational vehicle parks or campgrounds.

(c) Existing condominium type associations.

4. Any structural addition to the travel trailer/vehicle or construction of an accessory structure such as a garage or storage building shall cause that vehicle to be treated as a permanent structure, subject to all the provisions of this Subdivision.

5. New commercial travel trailer/vehicle parks or campground and new residential type subdivisions and condominium association, and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

(a) Any new or replacement travel trailer/vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with this Subdivision. Any fill placed in a floodway for the purpose of elevating a travel trailer shall be subject to the requirements of this Subdivision.

(b) All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may be allowed as a Conditional Use provided it complies with all relevant Conditional Use tests as described in this Ordinance. Furthermore, the applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding.

6. New manufactured home parks and expansions to existing mobile manufactured home parks shall also be subject to the provisions contained in the Lanesboro Subdivision Ordinance.

h. Procedures and Standards for Floodplain Conditional Uses.

1. In addition to the Conditional Use filing requirements as described in this Ordinance, the applicant shall provide the following additional information as deemed necessary by the Lanesboro Planning Commission:

(a) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.

(b) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

2. The information described in (a) and (b) above shall be transmitted to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to use, the adequacy of the plans for protection, and other technical matters.

3. Based upon the technical evaluation of the designated engineer or expert, the City of Lanesboro shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

4. For Conditional Use applications within Flood Plain Districts, the following additional relevant factors shall be considered:

(a) The 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 or they may block bridges, culverts or other hydraulic structures.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the service provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(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 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.

(l) Such other factors which are relevant to the purposes of this Ordinance.

i. Penalties for Violation. In the event that any of the provisions, conditions, or requirements of this ordinance is violated, the City may take lawful action as necessary to prevent or remedy any violations. Such actions may include but are not limited to:

1. In responding to a suspected ordinance violation, the Zoning Administrator and local government 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 community must act in good faith to enforce this official control and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

2. When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use are under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either (a) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (b) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

#### Subd. 14. "HP" – Heritage Preservation District

a. Purpose. To create an overlay zoning district which will protect those areas of Lanesboro designated by the Lanesboro Heritage Preservation Commission as Heritage Preservation Sites?

b. Heritage Preservation Sites Map. A copy of the official Heritage Preservation Sites Map will be available in the office of the Lanesboro City Clerk. Properties specifically identified on this Map shall be subject to the special requirements of this overlay district.

c. Development Requirements.

1. All development within the boundaries of this district or on these sites shall be subject to review by the Lanesboro Heritage Preservation Commission, as outlined in this Ordinance and in Lanesboro Ordinance 320.40.

2. Properties within the Heritage Preservation District shall be subject to the requirements of the underlying zoning district, in addition to the requirements in Ordinance 320.40. In the event of any conflict between the two Ordinances, the more strict requirements shall prevail.

Subd. 15. "PUD"-Planned Unit Development District.

- a. Purpose. The purpose of this section is to create an overlay district aimed at encouraging a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and building setbacks, while at the same time, meeting the standards and purposes of the Lanesboro Comprehensive Plan. The PUP District also may serve the purposes of ensuring concentration of open space into more useable areas, preserving the natural resources of the site, and facilitating the economical provision of streets and public utilities.
- b. Permitted Uses. The permitted uses are defined by the underlying zoning district.
- c. General Requirements.
  1. A Conditional Use Permit shall be required of all Planned Unit Developments.
  2. The City may approve the Planned Unit Development only if it finds that the development satisfies all the following standards:
    - (a) It is consistent with the Lanesboro Comprehensive Plan.
    - (b) It is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
    - (c) It can be planned to harmonize with any existing or proposed development in the areas surrounding the project site.
    - (d) Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the Planned Unit development.
    - (e) A minimum of two or more principal structures are proposed.
    - (f) The tract under consideration is under single ownership or control.
    - (g) It meets the standards of the Subdivision Regulations.
  3. Density. In the planned unit development, the number of dwelling units proposed for the entire site shall not exceed the total number permitted under the underlying zoning district (excluding land allocated to streets), except that a bonus of one additional unit for each eight units shall be allowed to encourage PUD's.
  4. Coordination with Subdivision Regulations. Subdivision review under the Subdivision Ordinance shall be carried out simultaneously with the review of a planned unit development. The applicant will be charged only the fee associated with a proposed subdivision, and shall not be subject to an extra charge for the conditional use permit.
  5. Pre-Application Meeting. Prior to the submission of any plan to the Planning Commission, the applicant shall meet with the Zoning Administrator and, if necessary, with the Planning Commission to discuss the contemplated project relative to community development objectives for the area in question, and to learn the procedural steps for filing a planned unit development application.
  6. Sketch Plan.
    - (a) The applicant shall make an application for and conditional use permit-PUD, following the procedural steps as set forth in this Ordinance.
    - (b) In addition to the criteria and standards used to evaluate conditional uses and subdivision projects, the following additional criteria shall be considered in the review of the Sketch Plan:
      - (1) Each phase of the proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and the construction of dwelling units and common open space are balanced and coordinated.
      - (2) The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.



(c) Documentation Required. The applicant shall provide all the background information required for both a conditional use permit and a subdivision request. In addition, the following exhibits shall be submitted by the applicant:

- (1) An explanation of the character of the PhD and the manner in which it has been planned to take advantage of PUD development regulations.
- (2) A statement of proposed financing of the PhD.
- (3) A statement of the present ownership of all of the land included within the planned development and a list of all adjacent property owners.
- (4) A general indication of the expected schedule of development.
- (5) A map with the legal description of the property, including approximate total acreage, location of existing property lines and dimensions, ownership of all parcels, platting, easements, street rights-of-way, utilities, and buildings for the property and for adjacent properties.
- (6) Natural features of the development site and adjacent properties showing contour lines, drainage patterns, vegetation, and soil conditions.
- (7) A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
- (8) A full description as to how all necessary governmental services will be provided to the development, including sanitary sewers, storm sewers, water system, streets, and other public utilities.
- (9) An engineering report presenting results of percolation tests and soils analysis of the site.
- (10) Any additional information as requested by the Planning Commission or City Council.

7. Preliminary Plat. The applicant shall also submit a preliminary plat and all the necessary documentation as required under the Subdivision Regulations. For purposes of administrative simplification, the public hearings required for the conditional use permit and preliminary plat may be combined into one hearing or may be held concurrently.

8. Final Development Plan.

(a) Within sixty (60) days following the approval of the preliminary plan, the applicant shall file with the zoning administrator a final development plan containing in final form the information required in the outline development plan plus any changes recommended by the Planning Commission and the City Council as a result of the public hearing.

(b) The Zoning Administrator shall submit the final development plan and the final plat to the Planning Commission for review.

(c) The final development plan and the final plat shall conform to the sketch plan and preliminary plat, plus any recommended changes by the Planning Commission or City Council.

(d) The City Council shall review the final development plan and plat. The Council shall give notice and provide opportunity to be heard on the final development plan to any person who has indicated to the Planning Commission in writing that he or she wishes to be notified.

(e) If the final development plan is approved by the City Council, the Zoning Administrator shall issue a conditional use permit to the applicant.

9. Conveyance and Maintenance of Common Open Space. All common open space as shown on the final development plan must be conveyed to a public agency or to trustees, which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.