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CHAPTER 11
LAND USE REGULATION (ZONING)

SECTION 11.01. APPLICABILITY AND PURPOSE.

Subd. 1. Preamble. This Chapter establishes City regulatory powers to the end that adequate light, pure air, and safety from fire and other dangers may be secured; that the taxable value of land and buildings throughout the City may be conserved; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, and welfare may otherwise be promoted; and to insure and facilitate the appropriate location for and use of structures and facilities in accord with the Comprehensive Land Use Plan for the City.

Subd. 2. Intent and Purpose. The intent and purpose of this Chapter shall be: (1) to regulate and limit the height and bulk of buildings hereafter to be erected; (2) to establish, regulate and limit the building or setback lines on or along any street, trafficway, drive or parkway; (3) to regulate and limit the intensity of use of lot areas and to regulate and determine the area of open spaces within and surrounding buildings hereafter erected; (4) to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses; (5) to divide the entire City into districts of such number, shape and area, and of such different classes according to use of land and buildings, height and bulk of buildings, intensity of use of lot areas, area of open spaces, and other classifications, as may be deemed best suited to regulate development; (6) to fix standards to which buildings or structures therein shall conform; (7) to prohibit uses, buildings or structures incompatible with the character of established districts; (8) to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed; (9) to classify, regulate and restrict the use of property on the basis of land use relationships; (10) to provide for conditional uses, including planned development, within the established districts; (11) to provide administrative bodies and procedures as necessary to the implementation and enforcement of the various provisions of this Chapter; and, (12) to provide regulations pertaining to pre-existing lots, structures and uses which do not conform to the regulations, standards, restrictions and limitations established by this Chapter.

Subd. 3. Scope; Qualifications.

A. Interpretation. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety,

comfort, morals and general welfare. Where the provisions of the Chapter impose greater restrictions than those of any statute, other provisions of the City Code or regulation, the provisions of this Chapter shall be controlling. Where any use or uses not listed in the provisions of this Chapter as permitted uses and/or conditional uses, shall be considered as prohibited uses. Where the provisions of any statute, other provisions of the City Code or regulation impose greater restrictions than this Chapter, the provisions of such statute, other provisions of the City Code or regulation shall be controlling.

B. Compliance. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which buildings, uses of land shall be located. However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Chapter, which has not by its terms expired to such effective date and provided that construction is begun before the permit's expiration and within (1) year of its effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued; and further, may upon completion be occupied under a certificate of zoning compliance by the use for which originally designated, subject thereafter to the provisions of this Chapter relating to non-conformities.

Source: Ordinance No. 148, 2nd Series
Effective Date: 8-9-1986

SEC. 11.02. DEFINITIONS. The following terms, as used in this Chapter, shall have the meanings stated. Items 1 through 120, inclusive, are in alphabetical order. Terms were redefined or added in 2007 and are added in alphabetical order beginning with number 121.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

1. "Accessory Use" or "Accessory Building" - A use or structure subordinate to the principal use of land or a building on the same lot and serving a purpose customarily incidental to the principal use of a structure.

2. "Affected Property Owner" - Person owning property affected by the zoning regulations in this Chapter.

3. **"Airport"** - Any locality, either of land or water, which is regularly used or intended to be used for the landing and take off, storage, or servicing of one or more aircraft.

4. **"Alley"** - A public or private thoroughfare which affords only a secondary means of accessing abutting property.

5. **"Apartment"** - A room or suite of rooms in a multi-family or multi-use building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.

6. **"Apartment Building"** - Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the same building, and shall include flats and apartments.

Source: Ordinance No. 148, 2nd Series
Effective Date: 8-9-1986

7. **"Automobile - Car Wash Establishments"** - Any building or premises, or portion thereof, the use of which is devoted to the business of washing automobiles for a fee whether by automated cleaning devices or otherwise.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

8. **"Automobile Service Station"** - Any building or premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobile fuel, which activity may be accompanied by accessory uses such as sales of lubricants, tires, accessories or supplies, or minor repairing of automobiles.

9. **"Automobile or Trailer Sales Lot"** - An open area other than a street used for display, sale or rental of new or used motor vehicles or trailers in operable condition.

10. **"Automobile Wrecking, Salvage Yard"** - The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

11. **"Basement"** - A portion of a building located partly underground but having less than half its clear floor to ceiling height below grade. (See Cellar).

12. **"Boarding House"** - A dwelling where meals or lodging, or both, are provided for compensation to three or more persons, who are

not transients, by prearrangement for definite periods, in contradiction to hotels and motels as herein defined.

13. "Boathouse" - A structure used for the storage of watercraft and related equipment, and for no other purpose.

14. "Borrow Pit" - A land use involving the excavation or digging of material for use as fill at another site. Also, an excavated area where earth material has been dug for use as fill at another site.

15. "Building" - Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When a structure is completely divided into parts by an unpierced wall or walls extending from the ground to the top of such structure, each part shall be deemed a separate building.

16. Deleted and redefined at item 129 of this Section. Ordinance No. 338, 2nd Series, Effective Date: 10-7-2007.

17. "Cellar" - Portion of a building located partly or wholly underground and having half or more than half its clear floor to ceiling height below grade.

18. "Clinic" - An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, medical specialists or dentists, or a combination thereof, practicing together.

19. "Conditional Use" - A use that would not be appropriate generally or without restriction throughout the zone district, but which, if controlled as to number, area, location, or relation to neighborhood, would not be injurious to the public health, safety, morals, order, appearance or general welfare.

20. "Condominium" - An apartment building as defined herein in which the units are owned separately by the individual or family which occupies them, and not by a corporation or cooperative; refers to the building as a whole or any apartment unit within the building.

21. "District" - A section or sections of the City for which the provisions of this Chapter are uniform.

22. "Drive-In or Drive-Through Establishment" - An establishment which by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product which may be purchased, used or consumed in a motor vehicle.

23. "Dwelling" - Any building or portion thereof which is designed or used for residential purposes.

24. "Dwelling, Single Family" - A detached building designed for and occupied by not more than one family.

25. **"Dwelling, Two Family" (Duplex)** - A structure containing two independent residential units (dwelling) which is designed for or occupied by two families, and which units are separated by a common wall or floor.

26. **"Dwelling, Multiple Family"** - A building designed for or occupied exclusively by three or more families.

27. **"Dwelling, Cluster or Group"** - A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

28. **"Essential Services"** - Overhead or underground electrical, telephone, gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures, operated by public and quasi-public utilities or governmental departments or as are required for protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings. For the purpose of this Chapter, the word "building" does not include "structures" for essential services.

29. **"Family"** - One or more persons related by blood, marriage or adoption, or not more than four persons not so related, occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, private club or hotel as herein defined.

30. **"Floor Area"** - The floor area of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings. The floor area of a building shall include basement floor area but shall not include cellar floor area.

31. **"Floor Area Ratio (FAR)"** - The floor area ratio is the building or buildings on any lot or site area is the gross floor area of the building or buildings on that lot or site area divided by the area of such lot. When used in this Chapter, the floor area ratio multiplied by the lot or site area in question produces the maximum amount of floor that may be constructed on such lot or site area.

32. **"Foot Candle"** - A unit of illumination at all points one floor distant from a uniform point source of one candle power.

33. "Frontage" - All the property fronting on one side of a street, measured along such street, between an intersecting or intercepting street, and another intersecting or intercepting street, right-of-way, waterway, end of a dead-end street, or a municipal boundary.

34. "Garage, Private" - A detached accessory building, or one attached to or part of a principal building, used primarily for the parking and storage of automobiles owned or operated by the residents of dwellings located on the lot on which such garage is located, and having a capacity of not more than three motor-driven vehicles for each dwelling unit located on such lot.

35. "Garage, Public" - Any premises used for the storage or care of motor-driven vehicles, or premises where any such vehicles are equipped for operation, repaired or kept for remuneration, for hire or for sale.

36. "Garage, Repair" - Any facilities equipped for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

37. "Grade" - (a) For buildings more than five feet from any street line, the average level of the finished surface adjacent to the exterior walls of the building; and (b) for buildings having one or more exterior walls within five feet of a street line or lines, the average of the elevations of the sidewalk or sidewalks, or their equivalent established ground surface adjacent to such street line or lines.

Source: Ordinance No. 148, 2nd Series
Effective Date: 8-9-1986

38. "Group Home" - A residential facility licensed by the State of Minnesota or the St. Louis County Social Services Department which serves mentally retarded, physically handicapped or socially maladjusted individuals. The term includes licensed day care facility as defined by Minnesota legislation and group family day care facility licensed under Minnesota Rules serving children.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

39. "Half Story" - That portion of a building under a sloping gable, hip or gambrel roof, the wall plasters of which on at least two opposite exterior walls are not more than three feet above the floor of such story. No such half story shall be used for occupancy except in conjunction with and by the occupants of the floor immediately below it.

40. "Height of Building" - The vertical distance measured from the grade level as defined above, opposite the middle front of the building to the highest point of the roof.

41. "Highway Commercial Uses" - Those uses which by their nature customarily relate to, depend upon, or provide essential services to the highway traveling public, including but not limited to gasoline service and light automotive repair stations, drive-in food service facilities, motels, or truck stops, and which do not include operational activities that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.

42. "Home Business" - A commercial or minor industrial business use conducted on the same property on which the owner's home is situated, which may employ up to five (5) persons who are not residents of the owner's home, which is of a type or character consistent with the surrounding residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area.

43. "Home Occupation" - Those uses such as personal and professional services, handicrafts, dressmaking or tailoring, artistic or food crafts, provided that not more than twenty-five per cent (25%) of the livable floor area of said residence is used for such purpose subject to the following conditions: (1) no unreasonable use of materials or mechanical equipment not recognized as being part of and compatible with normal household use shall be permitted; (2) the use shall not generate pedestrian or vehicular traffic beyond that reasonable or normal to the District; (3) it shall not involve the unreasonable or inappropriate use of commercial vehicles for delivery of occupational materials to or from the premises; (4) no accessory building or space outside of the principal building shall be exclusively used for such purposes; (5) no special space within the principal building shall be designed or arranged for such use so that it would require any major internal or external alterations or involve construction features not customary to dwellings (either by color, materials, or construction, lighting, sound or noise, vibration, or electrical interference, etc.); (6) there shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes; (7) no employees, other than occupants of the principal use shall be permitted. Permitted home occupations shall not in any event be deemed to include automobile repair operations; funeral homes; restaurants; stables, kennels, animal or veterinary hospitals; or antique dealers.

44. "Hospital" - An institution providing health services and medical or surgical care, primarily for in-patients, to three or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical or

mental condition, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities.

45. "Hotel" - A building in which lodging is provided and offered to the public for compensation and which is opened to transient guests, in contradistinction to a boarding house as herein defined.

46. "Junk or Salvage Yard" - Any place where two or more motor vehicles not containing current license plates, or not in operable condition, are stored in the open. Also, any place where the salvaging or scavenging of any other goods, articles, or merchandise not contained entirely within enclosed building is conducted.

47. "Kennel" - An establishment created or used for the keeping of three or more dogs.

48. "Laboratory" - A place devoted to experimental study such as testing and analyzing materials, not including manufacturing or packaging of such materials, except incidentally.

49. "Livable Floor Area" - The square footage of floor area of a dwelling measured from the inside of the exterior walls, but not including attics, cellars, unfinished basements, open porches, breezeways and garages. Only that floor area having a ceiling height of five feet or more shall be considered as livable floor area. An unfinished floor may be included as livable floor area provided plans are submitted to the Zoning Administrator indicating in detail the layout of the rooms, and provided further, rough plumbing, heating ducts and electric circuits are installed during construction of the building.

50. "Livestock" - Farm animals such as horses, cows, sheep, goats, or poultry kept for use or profit, excluding poultry and rabbits kept as pets or raised for personal use.

51. "Loading Space" - An open, hard-surfaced area, other than street or public right-of-way, the principal use of which is for the standing, loading, and unloading of trucks and trailers.

52. "Lot" - Land occupied or to be occupied by a principal use and its accessory buildings, together with such open spaces as are required frontage upon a street or right-of-way or easement shown on a plat or survey which has been submitted, approved and officially recorded in the manner required by the Subdivision Regulations of the City.

53. "Lot, Corner" - A lot abutting upon two or more streets at their intersection or junction, or a lot bounded on two sides by a curving street where it is possible to draw two intersecting chords, one each commencing at each of the two points of intersection of the lot lines and street line, which intersect with each other from an interior angle of less than 120 degrees.

54. "Lot Coverage" - The area of a lot occupied by the principal and accessory building.

55. "Lot, Depth of" - The horizontal distance between the front and rear lot lines.

56. "Lot, Double Frontage" - A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

57. "Lot, Interior" - A lot other than a corner lot.

58. "Lot Line" - The line bounding a lot as defined herein.

59. "Lot of Record" - A parcel of land that is recorded as a lot in a subdivision that has been recorded in the official public records of the County Recorder or Registrar of Titles of St. Louis County, Minnesota.

60. "Major" and "Minor Collectors" - A road that serves short trips, provides access to minor traffic generators, and collects and distributes trips between adjacent land uses and the arterial street system.

61. "Minor Arterial" - A road that connects major activity areas, provides some access to adjacent land, and maintains continuous operating conditions.

62. "Manufactured Housing" - Means a structure transportable in one or more sections which in the traveling mode is eight body feet or more in width or forty 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 a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Source: Ordinance No. 148, 2nd Series
Effective Date: 8-9-1986

63. "Manufactured Home Park" - A contiguous parcel of land which has been developed for the placement of manufactured housing, either free of charge or for revenue purposes, and the term shall include any building, structure, rent vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park.

Source: Ordinance No. 343, 2nd Series
Effective Date: 1-19-2008

64. "Motel" - A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guest or occupants.

65. "Non-Conforming Use" - Any building or land occupied by a use at the time of the effective date of this amended Chapter, or any amendment to it rendering such use non-conforming, which does not comply with all of the regulations of this Chapter, or any amendment hereto, governing use for the zoning district in which such use is located.

66. "Non-Conforming Building or Structure" - Any building or structure lawfully existing at the time of the approval of this Chapter or any amendment to it, rendering such building or structure non-conforming, which: (a) does not comply with all of the regulations of this Chapter, or any amendment hereto, governing bulk, height and yard requirements for the zoning district in which such building or structure is located; or (b) is designed or intended for a use neither permitted nor conditionally permitted in the zoning district in which it is located.

67. "Non-Conforming Lot of Record" - An unimproved lot which was legally recorded on or before the effective date of this Chapter which does not comply with the lot size requirements for any permitted use in the district in which it is located.

68. "Ordinary High Water Mark" - A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence thereof upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

69. "Nursing Home" - An establishment which provides full-time convalescent or chronic care, or both, which is licensed by the State of Minnesota as a nursing home. No care for the acutely ill, or surgical or obstetrical services, shall be provided in such an establishment. A hospital shall not be construed to be included in this definition.

70. "Parking Lot" - A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use, as on a residential lot.

71. **"Parking Space"** - An improved surface area, enclosed or unenclosed sufficient in size to store one motor vehicle, together with a street or alley and permitting ingress and egress of such motor vehicle.

72. **"Parking Structure"** - A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles at one or more levels, together with the attendant interior or exterior ramps necessary for ingress and egress of such motor vehicles.

73. **"Particulate Matter"** - Material other than water which is suspended or discharged into the atmosphere in a finely divided form as a liquid or solid.

74. **"Planned Development"** - A tract of land developed as an integral unit rather than as individual, unrelated development efforts, wherein two or more buildings may be located in relation to each other rather than to lot lines and lot standards.

75. **"Principal Use"** - The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained, or for which it is or may be used or occupied.

76. **"Principal Arterial"** - A road that connects major traffic generators, offers minimum access to adjacent land, and serves large traffic volumes at a high level of service.

77. **"Principal Building"** - A building in which is conducted the principal use of the lot on which it is situated.

78. **"Private Club or Lodge"** - A building and related facilities owned or operated by a corporation, association or group of persons for social, educational, or recreational purposes of members regularly paying dues, but not primarily for profit or to render a service which is customarily carried on as a business.

79. **"Public Waters"** - Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes. However, no lake, pond or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland as defined by the Commissioner of Natural Resources shall be exempt from the provisions of this Chapter as they apply to shoreland management.

80. **"Travel Trailer"** - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.

81. **"Pick Up Coach"** - A structure designed to be mounted on truck chassis for use as a temporary dwelling for travel, recreation and vacation.

82. **"Motor Home"** - A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

83. **"Camping Trailer"** - A folding structure, mounted on wheels and designed for travel, recreation and vacation uses.

84. **"Restaurant"** - An establishment where food is available to the general public for consumption on the premises.

85. **"Restaurant, Carry-Out"** - An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises.

86. **"Satellite Dishes"** - Equipment used to receive microwave signals from distant satellites for conversion into standard television signals.

87. **"School, Primary, Secondary, College or University"** - Any school accredited by the State or supported by public funds.

88. **"Sewered Area"** - Any lot within 165 feet of an existing sanitary sewer.

89. **"Setback"** - The minimum horizontal distance between a wall of a building and a lot line.

90. **"Shoreland"** - All lands located within the following distance from the high water mark of public water:

A. 1,000 feet from the normal high water mark of a lake, pond, or flowage;

B. 300 feet from the normal high water mark of a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater.

91. "Sign" - A name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, institution, organization, idea or business. However, a "sign" shall not include any display of official court, public office notices or traffic signs, nor shall it include the flag, separate emblem or insignia of a nation, political unit or school or religious group, or incombustible tablet or lettering built into the wall of a building or other structure. A "sign" inside a building is not included unless its face is visible only from the exterior of a building. Each display surface of a sign shall be considered to be a "sign".

92. "Sign, Advertising" (Billboard, Signboard) - A sign which directs attention to a business, commodity, service or entertainment conducted, or sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

93. "Sign, Business" - A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

94. Deleted and redefined at item 132 of this Section 11.02. Ordinance No. 338, 2nd Series, Effective Date: 10-7-2007.

95. "Sign, Projected" - A projected sign shall consist of any sign which is attached to or represented on the surface of a building wall whose leading edge extends greater than 15 inches.

96. "Sign, Surface Area" - The surface area of a sign is the total area that will contain the sign. For signs which are not rectangular in shape, the area shall be calculated upon the area of the smallest polygon which completely encloses the sign. For multi-faced signs, each display face shall be measured.

97. "Sign, Wall" - A wall sign shall consist of any sign which is attached flat against or represented on the surface of a building wall.

98. **"Solar Collectors or Panels"** - A device designed to absorb incidental solar radiation and convert it to thermal energy and transfer the thermal energy to a fluid passing through or in contact with the device.

99. **"Story"** - That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement designed or used for dwelling purposes for other than a janitor, maintenance man or watchman, or for commercial purposes other than storage shall be counted as one half story. No other basement or cellar shall be counted as a story. Any level or deck used exclusively for parking purposes shall be counted as one-half story.

100. **"Street"** - A public thoroughfare which affords a principal means of access to abutting property.

101. **"Street Wall"** - The main wall of a building nearest to and facing on a street, including sunparlors and bays but not including bay windows.

102. **"Structure"** - Anything more than 30 inches high placed, constructed, or erected with a fixed location on the ground, including portable building, mobile homes, signs, playing courts (tennis, handball), and swimming pools, except that fences, utility poles, lawn lights, antennae, and related minor equipment shall not be considered structures.

103. **"Structural Alterations"** - Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

104. **"Terrace"** - A level plane or surfaced patio, directly adjacent to the principal building on the surface of the land or on the roof of a building.

105. **"Townhouses"** - A group of attached single family dwelling units on a common lot.

106. **"Transfer Station"** - A facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer station may be fixed or mobile.

107. **"Unsewered Area"** - Any lot that is more than 165 feet from an existing sanitary sewer.

108. "Waterfront Commercial Uses" - Those uses which by their nature customarily relate to or service recreational water activities or depend upon waterfront locations, such as marinas, fishing and boating resorts, canoe outfitters, campgrounds accessible only or primarily by water, boat sales if part of a permitted marina, restaurants and supper clubs if part of a permitted resort, which users do not include operational activities or development characteristics that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.

109. "Use" - The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied or maintained.

110. "Use, Permitted" - A use which may be lawfully established in a particular district or districts without specific approval, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

111. "Water Supply Purpose" - Includes any uses of water for domestic, commercial, industrial or agricultural purpose.

112. "Wetland" - Lowland permanently or intermittently covered with shallow water to the extent that there is predominant development of moist soil vegetative communities (such as alders, black ash, sedges, cattails, cord grasses, duck potatoes, duck weeds, labrador-tea, leather-leaf, pond weeds, rushes, smart weeds, sphagnum moss, tamarack, etc.).

113. "Wind Energy Conversion System (WECS)" - An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, i.e., wind charger, windmill, or wind turbine.

114. "Yard" - An open space between a building and any lot line which is open to the sky from 30 inches above the ground except as specified elsewhere in this Chapter.

115. "Yard, Front" - A yard extending across the entire front of the lot and measured between the front line of the lot and the front line of the building or any projection thereof other than steps, balconies, paved terraces, porches or bay windows.

116. "Yard, Open" - A yard in addition to front, side, and rear setbacks, in which no structure, driveway, or parking space shall be located.

117. "Yard, Rear" - A yard extending across the entire rear of a lot measured between the rear lot line and the rear of the building or any projection thereof other than steps, balconies, paved terraces, porches or bay windows. On corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

118. "Yard, Side" - A yard between the building and the side line of the lot extending from the front yard to the rear yard and measured between the side line of the lot and the side of the building, or any projection thereof other than steps, balconies, paved terraces, porches or bay windows.

119. "Zero Lot Line" - Any instance in which a minimum yard setback of zero feet is permitted or allowed by reason of a wall, common to two or more dwellings, being situated on a lot line.

120. "Zoning Administrator" - Official designated by the City to administer and enforce this Chapter.

Source: Ordinance No. 148, 2nd Series
Effective Date: 8-9-1986

121. "Adult Use" - Any or all of the following shall constitute an Adult Use: Adult body painting studio, adult bookstores, adult cabaret, adult car wash, adult hotels or motels, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health/sports clubs, adult saunas/steam rooms/bath houses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcades, adult modeling studios, and all other premises, enterprises, establishments, businesses, and places open to some or all members of the public, in person or via electronic or Internet means, at or in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry by state-licensed or registered persons. Activities classified as obscene as defined by Minnesota Statutes 617.241 are not lawful and are not included in the definition of adult uses.

122. "Adult Use - Accessory" - The offering of Adult Printed Matter in a bookstore or Adult Video Tapes in a video store on a limited scale where such items occupy no more than (a) 10% of the floor space of the entire establishment dedicated to retail sales or (b) 100 square feet, whichever is less.

123. "Adult Use - Principal" - The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment.

124. "Amateur Radio Operator" - A person holding a written authorization to be the control operator of an amateur radio facility. This authorization shall be in the form of a license or permit issued by the Federal Communications Commission. They provide communication services, including the amateur-satellite service and the amateur service, which are for the purpose of self-training, intercommunication and technical investigations carried out by amateurs who are duly authorized persons interested in radio technique solely with a personal air and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, [97.3(a)(4)].

125. "Child care" - The care of a child by someone other than a parent, stepparent, legal guardian, eligible relative caregiver, or the spouses of any of the foregoing in or outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

126. "Commercial communication tower" - A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development. The facility provides licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

127. "Common Interest Community" - Contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on, one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate which satisfies the definition of a common interest community is a common interest community whether or not it is subject to MS 515B. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate pursuant to section MS 515B. For the purposes of this Chapter a common interest community shall be treated as a planned development.

128. "Communication tower" - A principal structure intended to support communication equipment for wireless, broadcast, and similar communication purposes. Communication towers include, but are not limited to, monopole (free standing), lattice (self-supporting), or guyed (anchored with guy wires or cables). This definition applies to all towers intended for communication purposes.

129. "Dwelling - Recreational" - A residence not exceeding 564 square feet in gross floor area, not intended for permanent occupation, lacking electrical service and a drinking water well, occupied only on a part-time basis not to exceed a cumulative total of 78 days during a calendar year, and not requiring public services such as school bus.

130. "Interim Use" - A use that is neither a permitted use nor a conditional use which may be allowed within a zone district for a limited period of time.

131. "Sign - Changeable, Automatic" - An electronically controlled sign, including a time, temperature or date sign, or a message center or a reader board, where different message changes are shown on the same panel.

132. "Sign - Flashing" - An illuminated sign that has intermittent flashing lights, revolving beacons, zip flashers, or exhibits a noticeable change in color or light intensity.

133. "Sign - Institutional" - A sign that identifies a public or private institution including churches, schools, hospitals and medical clinics.

134. "Sign - Motion" - A sign that revolves, rotates, has moving parts or gives the illusion of motion.

135. "Tower" - Any ground or roof mounted pole, spire, structure, or combination thereof taller than 35 feet in height if free standing or 15 in height if roof mounted, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade. Towers include, but are not limited to, monopole (free standing), lattice (self-supporting), or guyed (anchored with guy wires or cables).

136. "Wireless telecommunication services" - Licensed commercial wireless telecommunication services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services that are marketed to the general public.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

137. "Clear View Triangle" - An area on corner lots (including area of any abutting interior lot affected by such corner lot) where no improvements such as but not necessarily limited to fences, walls, hedges, shrubs for decorative purposes shall be placed or allowed to grow to a height exceeding three (3) feet .

Source: Ordinance No. 366, 2nd Series
Effective Date: 12-06-2009

SEC. 11.03. GENERAL PROVISIONS.

Subd. 1. Compliance. Except as hereinafter provided, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

Subd. 2. Limitation on Issuance of Building Permit. No building permit, zoning permit, or Certificate of Zoning Compliance or Occupancy shall be issued for any purpose inconsistent with the land uses permitted in the affected district, or inconsistent with a variance or conditional use permit duly granted in accordance with the City Code.

Subd. 3. Building Requirements. No building or other structure shall hereafter be erected or altered to exceed in height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than therein required; or in any other manner contrary to the provisions of this Chapter.

Subd. 4. Foundations. Any structure designed to be used as a dwelling shall be placed on a foundation constructed of masonry, concrete or treated wood. All footings supporting the foundation shall be constructed of solid masonry or concrete placed at a minimum depth of five (5) feet below the finished grade.

Subd. 5. Area Requirements.

A. No part of a yard, or other open space, or off-street parking or loading space required for or in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, except as modified hereinafter.

B. No yard or lot existing at the time of passage of this Chapter shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

Subd. 6. Minimum Requirements. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Wherever the requirements of this Chapter are in variance with the requirements of any other lawfully adopted rules, regulations, City Code provisions, deed restriction or covenants, the most restrictive or that imposing the higher standards, shall govern.

Subd. 7. Dwelling on Any Lot of Record. In any district where dwellings are permitted, a one-family detached dwelling may be erected on a non-conforming lot provided that:

- A. The lot was a lot of record before October 1, 1977;
- B. The lot is in separate ownership from abutting lands;
- C. All applicable setbacks and yard requirements are satisfied or modified by the Zoning Board of Appeals and Adjustments.

Subd. 8. Height Limitations Not Applicable. The height limitations stipulated in this Chapter shall not apply to the following:

A. Essential Service Structures, Architectural Features, Etc.: Church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission

towers, chimneys, smoke stacks, flag poles, radio and television towers, masts and aerials, also parapet walls extending not more than four (4) feet above the limiting height of the building.

B. Places of Public Assembly: Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that they are located on the first floor of such buildings; provided that for each two feet by which the height of such buildings exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district and further provided that the Zoning Board of Appeals and Adjustments shall find that such additional height will not be materially detrimental to surrounding property.

C. Elevator Penthouse, Etc.: Elevator penthouses (elevator machinery loft), monitors, and scenery lofts, provided no linear dimension of any such structure exceed fifty percent (50%) of the corresponding street lot line frontage. Fire hose or cooling towers, elevators, gas holders or other structures incorporated into a principal structure where a manufacturing process requires a greater height shall be excepted.

Subd. 9. Yard and Frontage Limitations Not Applicable. The yard and frontage limitations stipulated elsewhere in this Chapter shall not apply to the following:

A. Average Depth of Front Yards - Front Yard Observed: In any district where front yards are required and where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard that is greater or less than the required front yard in the district, no building shall project beyond the average front yard as established. Where such varying average front yard setback has been established no variance shall be required for structure placement.

Subd. 10. Yard Space, General. Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located except as specified below. The required yard space for any building, structure, or use shall be contained on the same lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or districts which the principal use is permitted. Any required yard space shall be open from 30 inches above the ground to the sky except as specified elsewhere in this Chapter.

Subd. 11. Placement of Single-and Two-Family Residential Structures on Large Lots. In any Residence District where a single- or two-family structure is to be developed on large lots which could later be subdivided and still meet the dimensional and area requirements for another lot for the district in which it is situated, it is desirable but not mandatory for such structure to be placed in a manner which would permit such later resubdivision.

Subd. 12. Yard Space Encroachments - Projections Into Yards.

A. The following projections may be permitted into any front, rear or exterior side yard adjoining a street lot line:

- 1. Cornices, sill, belt courses, eaves and other ornamental features to a distance of not more than two feet six inches.
- 2. Fire escapes to a distance of not more than four feet six inches.
- 3. Landings and uncovered porches, when constructed more than six inches above the ground level at the building line, to a horizontal distance of not more than eight feet, provided said landing or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three feet six inches may be placed around such structure.
- 4. Bay windows and chimneys to a distance of not more than three feet provided that such features do not occupy, in the aggregate, more than one-third the length of the building wall on which they are located.
- 5. Porte cochères or canopies to a distance of not more than four feet six inches.
- 6. Balconies, in Residence District, to a distance of not more than four feet into yards of less than twenty feet and to a distance of not more than four feet into yards of more than twenty feet; provided that said balconies do not occupy, in the aggregate, more than one-third the length of the building wall on which they are located.

B. Interior Side Yards: Subject to the limitations for features projecting into front yards, said features may also project into required yards adjoining interior side lot lines, provided that the distance shall not exceed one-fifth of the required least width of such yard and not more than three feet in any case.

Subd. 13. Yard Space Exception, Steep Slopes. In any Residence District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree or percent of slope that it is not practical to provide a driveway with a grade of twelve percent (12%) or less to a private garage conforming to the requirements of this Chapter, such garage may be located within such front yard, but not in any case closer than 12 feet to the street line.

Subd. 14. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Chapter shall be met for each structure as though it were on an individual lot.

Subd. 15. Housing Projects With Single Open Side Yards. Every development proposal which is designed so as to place the principal structure abutting a side property line in order to have only one open side yard, must file with the Zoning Administrator a signed copy of the covenant assuring access through the adjacent yard for the purposes of repairs and general maintenance. Such covenant is mandatory and the issuance of a Certificate of Zoning Compliance shall be contingent on the filing.

Subd. 16. Accessory Buildings.

A. In any case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Chapter applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five feet to the main building.

B. A detached accessory building used as a private garage enclosure not over one story and not over 15 feet in height may occupy up to thirty percent (30%) of the area of any side or rear yard, but shall not be placed in any front yard (i.e. closer than the building setback from the street line) in any zoning district.

Source: Ordinance No. 148, 2nd Series
Effective Date: 8-9-86

Subd. 17. Fence and wall improvements on private properties in R-1, R-2, R-3, R-4, and S-R Residence Districts, Planned Development Districts, C-1 and C-3 Commercial Districts, and I-1 Industry District as found within the Urban Area boundary of the City of Hibbing. For purposes of this subdivision such improvements shall include but not necessarily be limited to fences, walls, hedges, and shrubs. Said improvements are strictly intended to be used for decorative, yard screening and/or confinement purposes, and in no case shall be used as structural support for any roof or wall for building enclosure. The location of such improvements on lots fronting on intersecting public

streets or roads, including any interior lot within forty (40) feet of said intersections shall be subject to further regulations herein for purposes of street traffic safety.

A. Permit Required. A Zoning Permit application shall be required for any fence or wall six (6) feet or less in height on any lot found in the Districts noted above. As per State Building Code a building permit application shall also be required for any fence or wall greater than 6 feet in height in said Residence, and residential Planned Development Districts. The applicant requesting any such permit shall delineate the proposed fence or wall placement on a site plan (drawn to scale) which includes all other existing building or structural improvements, and easements on the property in question, provide information such as but not necessarily limited to the height of and material for such fence or wall, including post depths and overall heights at finished grade. Notwithstanding permit requirement for any new length of fence or wall the re-building or replacement of any existing fence or wall, including any portion thereof that is/are removed for any reason shall require a permit application, and further shall be subject to the applicable requirements of this subdivision.

B. Location. Said improvements shall be located on private property. It is the responsibility of the owner of the property in question to determine the location of property lines and easements. Said improvements may be placed near said property lines of the property in question in a reasonable manner for maintenance purposes by said owner, however said same shall not be placed on such property lines. In addition to compliance with this subdivision such fences or walls requiring a building permit are subject to applicable minimum building line setbacks from property lines. Said improvements are subject to further location requirements as follows:

1. Said improvements shall not be placed in any public right-of-way.

2. Said improvements shall not be placed in any utility or drainage easement unless such placement is approved by the City Engineer and General Manager of the Hibbing Public Utilities (HPUC), and provided the owner of the property and improvement in question signs a hold harmless agreement releasing the City of Hibbing and the HPUC, including their contractors and agents of all liabilities, thereby agreeing to the removal of any such improvement from the easement by the City, the HPUC, their contractors and/or agents for utility installations, maintenance, or emergency repairs without compensation or requiring any replacement of such removed or damaged improvement [NOTE: a copy of said signed agreement shall be attached to such permit application].

3. Location of said improvements on corner lots. For purposes of this subdivision a Clear View Triangle as defined in this Chapter shall be used to regulate the location and maximum applicable height of said improvements as placed and maintained on corner lots in the above noted Districts, including that part of any abutting interior lot which

is within forty (40) feet of the intersecting public street/road right-of-way lines.

a) For purposes of this subdivision the required Clear View Triangle at said intersecting public street/road right-of-way lines for said lots shall be that area of a corner lot (including area of any abutting interior lot affected by such corner lot) formed by extending the legs of this triangle forty (40) feet from the corner of said intersecting right-of-way lines in each direction and then by joining these legs by a hypotenuse line that extends through the lot (or lots) in question.

b) The maximum height of said improvements within said Clear View Triangle shall be three (3) feet, and 60 inches if chainlink or wire mesh fencing provided no sight obstruction or screening material is used or added. The maximum applicable heights of said improvements for this purpose shall be measured from the existing grade elevation of the centerline of said intersecting public streets/roads to the highest part of such improvement except for such fence or wall posts that do not exceed said highest part by eight (8) inches. Said height measurements shall apply to such posts in excess of said eight (8) inches [NOTE: grade elevation of applicable public street/road centerlines may be obtained from the Office of the City Engineer].

c) The City Zoning Administrator may administratively adjust the required forty (40) foot Clear View Triangle measurement upon administrative appeal by the owner of the (corner lot) property in question provided the principle structure of said property encroaches upon said required Clear View Triangle. Such administrative adjustment to the Clear View Triangle shall not be less than the adjusted hypotenuse line of said encroaching principle structure on the property in question.

d) In any case where the intersecting public streets/roads fronting such a corner lot form a curvilinear right-of-way line said Clear View Triangle shall be determined for the owner of the property in question by the City Engineer for purposes of compliance with this subdivision.

C. Construction and Materials (accepted and prohibited).

Materials that are widely accepted in the fencing industry shall be accepted materials for said improvements, however plywood boards, any sheeting consisting of wood, plastic/vinyl or metal, including any boards, panels or planks larger than 12 inches in width shall be prohibited. Barbed wire, razor wire, and electrical fences are prohibited in said Residence, residential Planned Development, and Commercial Districts. Canvas material or privacy slats (as the case may be) that are strictly intended and used for screening purposes on chainlink type of fencing shall be accepted provided said same is securely fastened as required to said type of fencing (such canvas is installed on the interior side) and is properly maintained. For purposes of this subdivision, any improvement as noted herein that is found to be unsafe, or a nuisance is prohibited.

1. Said improvements shall be maintained in good condition. Exterior surfaces of all fences and walls shall have either a painted, stained, decay resistance treatment, or a factory finish with earthtone colors or shades that match or unobtrusively accent the principle structure. Said fences and walls shall be maintained in vertical position and promptly repaired, or replaced with same quality material and workmanship.

2. Snow fencing (no permit required) may be allowed only between November 1st and April 15th, however in no case shall said same be allowed to encroach upon the required Clear View Triangle. Silt fencing (no permit required) may be temporarily allowed on construction sites only for erosion control. Property location requirements as noted above in Part B shall also apply to snow and silt fencing.

D. Conformance. The City of Hibbing may notify the owner and/or current resident of the property in question to inform such owner or resident of any such improvement found not in conformance with this subdivision for the purpose of conformance or removal by the owner of the property in question.

Source: Ordinance No. 366, 2nd Series
Effective Date: 12-06-2009

Subd. 18. Any Construction and/or Placement of Pole Buildings or Post Frame Buildings shall be Prohibited in any R-1, R-2, R-3, R-4 Residence District, and C-1, C-2 Commercial District. (Repealed by Ordinance No. 269, 2nd Series, effective 7-27-01.)

Subd. 19. Shoreland Management Classification. (Repealed by Ordinance No. 254, 2nd Series, adopted 2-16-1999.)

SEC. 11.04. ESTABLISHMENT OF ZONING DISTRICTS AND PROVISIONS FOR OFFICIAL ZONING MAP.

Subd. 1. Establishment of Districts.

A. For the purposes of this Chapter, the City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereof, is hereby adopted by reference and declared to be a part of this Chapter. Said districts shall be known as:

- (1) F-A FORESTRY-AGRICULTURE DISTRICT
- (2) A-1 AGRICULTURAL DISTRICT
- (3) A-R AGRICULTURAL-RURAL RESIDENTIAL DISTRICT
- (4) R-R RURAL-RESIDENTIAL DISTRICT
- (5) S-R SUBURBAN RESIDENTIAL DISTRICT
- (6) R-1 SINGLE FAMILY RESIDENCE DISTRICT
- (7) R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT
- (8) R-3 MULTIPLE FAMILY RESIDENCE DISTRICT
- (9) R-4 MULTIPLE FAMILY RESIDENCE DISTRICT
- (10) C-1 NEIGHBORHOOD CONVENIENCE COMMERCIAL DISTRICT
- (11) C-2 GENERAL COMMERCIAL DISTRICT
- (12) C-3 HIGHWAY SERVICE COMMERCIAL DISTRICT
- (13) I-1 LIGHT INDUSTRY DISTRICT
- (14) I-2 GENERAL INDUSTRY DISTRICT
- (15) A-P AIRPORT DISTRICT
- (16) AMU-P AIRPORT MULTIPLE USE PARK DISTRICT
- (17) O OPEN SPACE DISTRICT
- (18) O-1 OPEN SPACE DISTRICT
- (19) PD PLANNED DEVELOPMENT DISTRICT

B. Zone District Purpose. The zoning districts established herein further the general intent of this Chapter and, in addition, are established for the specific purposes stated herein.

1. F-A Forestry Agriculture District. This district is dedicated to the continuation of forest programs, agricultural pursuits and related uses in those areas best suited for such activities. It is intended to encourage agricultural and forest management programs. It also recognizes the value of the forest as a recreational resource by permitting certain recreational activities which are not incompatible with the forest.

2. A-1, Agricultural District. This district is intended to protect existing and potential agricultural areas of the City; to promote their continued existence; to maintain and promote rural character, and to prevent urban and suburban encroachment upon these areas.

3. A-R, Agricultural-Rural Residential District. This district is intended to provide a gradual transition in density from Forestry and A-1 Agricultural, to more urbanlike zones, to maintain and promote the character of rural areas in the City, to protect the functional integrity of roads, and to limit suburban style development in a manner consistent with planning objectives.

4. R-R, Rural Residential District. This district is intended to promote lower density, semi-rural living in areas neither requiring nor anticipating the provision of public water and sewer services, while allowing limited development compatible with the principal residential use.

5. S-R, Suburban Residential District. This district is intended to provide low density, semi-rural or suburban living on large lots in areas not expected to be served by public water and sewer in the near future. Care should be taken not to place this zone district where soils information indicates severe development limitations for on-site waste disposal systems.

6. R-1, Single Family Residence District. This district is intended to provide areas primarily for single-family residential uses on larger parcels of land in conjunction with the City Land Use Plan. District regulations are designed to maintain low density residential uses and restrict incompatible development such as apartment complexes, offices, or commercial establishments.

7. R-2, One to Four Family Residence District. This district is intended to provide suitable areas within the community for the maintenance and new construction of single-family dwellings, duplexes and double bungalows, and three and four family homes of a more compact nature than the R-3 District, yet which retain the character and amenities of exclusive single-family residential areas.

8. R-3, Multiple Family Residence District. This district is intended to provide districts where a mixture of single family homes, two to four flats and medium density multiple family structures can situate. Such a district not only provides a variety of lifestyles integrated within district boundaries, but recognizes and accommodates areas in transition, where former single family housing is gradually being replaced with multiple family structures to meet increasing housing demands.

9. R-4, Multiple Family Residence District. This district is intended to provide areas within the community for the location of higher density multiple-family dwelling units. R-4 residence zones will permit the most intensive residential development where the demand for housing availability is the greatest, when such demand coordinates with the City Land Use Plan. The character of the R-4 District should remain essentially residential; however, provision is made for conditionally permitting transitional office and service uses

which relate reasonably to multiple family structures and are pedestrian rather than automobile oriented in function.

10. C-1, Neighborhood Convenience District. This district is intended to provide suitable compact areas within the City for the maintenance and development of commercial service nodes which offer convenience services and retail goods to adjacent residential neighborhoods. These commercial clusters are primarily pedestrian oriented for the convenience of local residents.

11. C-2, General Commercial District. This district is intended to provide one or more areas for the grouping of general retail sales establishments, offices and services which offer convenient shopping facilities for City residents and the surrounding area. C-2 District provisions and boundaries are established to promote compatible land use relationships among diverse types of uses and encourage well planned development or expansion in accord with the approved Comprehensive Plan. Only those uses which substantially interfere with the overall function of the general commercial area will be excluded.

12. C-3, Highway Service Commercial District. This district is intended to establish suitable areas within the City for the location and/or expansion of business operations providing retail goods and services to the motoring public. Uses would be primarily highway-oriented, provide compact and convenient shopping areas, and a means of safe access and egress to abutting roads and highways.

13. I-1, Light Industry District. This district is intended to create industrial areas that will be acceptable within the City and will not adversely affect adjacent business or residential neighborhoods. Industrial establishments should be either (a) ones whose operations are relatively free from objectionable influences or (b) ones whose objectionable features will be obviated by design and/or appropriate devices. In the interest of general health and welfare, residential and certain institutional uses are not permitted within this district.

14. I-2, General Industry District. This district is intended to create industrial areas to accommodate a wide variety of industrial establishments which may operate to their maximum advantage without adversely affecting other nearby similar or dissimilar uses and activities.

15. A-P Airport District. This district is established to provide for appropriate land use around the Hibbing-Chisholm Airport so as to insure safe and continued operation of the airport.

16. AMU-P, Airport Multiple Use Park District. This district is intended to encourage industrial and commercial development in and around the Hibbing-Chisholm Airport that uses

and/or complements the airport. Specifically, the types of uses considered appropriate in this district include: principal and accessory uses related to aviation transportation (airport) terminals, offices, airfields, commercial airline hangers, and all related operations and maintenance facilities; hangers owned by the Airport Authority which may be offered for private use; airport terminal parking lot/ramp; open space for soil and water conservation programs and other programs intended to protect and enhance critical environmental features for areas not suitable for development provided there are no buildings or other structures; and special events and activities.

17. O Open Space District. This district is established to protect and enhance vital natural resources, to maintain a buffer between incompatible land uses, and to restrict development in areas not suitable for or capable of sustaining such development, while allowing certain uses which are not detrimental to the land.

18. O-1 Open Space District. This district is established to insure the proper treatment of critical physical environmental features including but not limited to floodplains, swamps and wetlands, and certain unique vegetation.

19. PD Planned Development District. It is recognized that this Chapter is structured to regulate land use and development patterns of a conventional or traditional nature; however, there are situations where innovative proposals for use of land may be submitted which do not relate to City Code controls and would have to be rejected even though feasible and beneficial to the community. It is to accommodate such innovative proposals, even those that may "mix" land uses within a development, exceed stipulated residential densities or depart from traditional lot sizes, that the Planned Development District is established. The technology of land development is constantly changing, and creative but practical approaches to the use of land should be encouraged. The provisions of this Section are intended to do so, in a manner which is in the best interests of both the developer and the community.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

Subd. 2. Official Zoning Map.

A. The Official Zoning Map shall be identified by the signature of the Mayor, attested to by the Clerk and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 11.04 of Chapter 11 of the City Code of the City of Hibbing", together with the date of adoption of this Chapter. The Zoning Chapter and Official Zoning Map shall be kept on file in the office of the Zoning Administrator.

B. If, in accordance with the provisions of this Chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes will be made on the Official Zoning Map promptly after the amendment has been approved by the Council together with an entry on the Official Zoning Map as follows: "By Ordinance Number adopted _____ (date) _____ by the City of Hibbing, the following change or changes were made in the Official Zoning Map: (Description of change)", which entry shall be signed by the Mayor and attested to by the Clerk. In any event, the Official Map shall be redrawn to incorporate all changes each year, and shall be completed by March 1 of each year. All amendments to the Zoning Map are generally described in Chapter 20 of the City Code.

C. Any unauthorized change of the Official Zoning Map of whatever kind by person or persons shall be considered a violation of this Chapter.

D. Whenever any street, alley or other public way is vacated by official action of the Council, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

E. Where uncertainty exists as to the boundaries of districts, as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways or alleys shall be construed to follow such center lines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 3. Boundaries indicated approximately following City limits shall be construed as following the City limits.
 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 5. Boundaries indicated as following rivers and streams should be construed to follow the approximate center line of such river or stream, and should be construed as moving with the actual center line.

6. Boundaries indicated as parallel to, or extensions of, features indicated in Items 1 through 5 above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by Items 1 through 6 above, the Zoning Board of Appeals and Adjustments shall interpret the district boundaries in accordance with the City Code.

F. Where any portion of the City subject to the provisions of this Chapter is also subject to the provisions of any proper airport zoning ordinance, no permit shall be issued pursuant to this Chapter unless the plans for intended use of the property in question are certified by the airport zoning ordinance administrator to be in conformity with said airport zoning ordinance.

Subd. 3. District Regulations. District regulations shall be set forth in Sections of this Chapter entitled Special or General Provisions, Additional Standards, and the Sections governing by classes of use which follow.

Source: Ordinance No. 148, 2nd Series
Effective Date: 8-9-86

SEC. 11.05. USES PERMITTED IN ZONE DISTRICTS.

Subd. 1. The following tables establish the uses Permitted, permitted as Conditional Uses, or permitted as Interim Uses in the zoning districts. The standards and regulations located elsewhere in this Chapter referenced by these tables for specific uses must be checked for additional requirements for said referenced uses.

The A-P Airport District is not listed on the tables as it is an overlay district applied to a defined area around designated airports.

RESIDENTIAL, AGRICULTURAL AND FORESTRY USES permitted in zoning districts.

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Accessory structures [See 11.05 Subd. 2.A]	P	P	P	P	P	P	P	P	P	P	P	P			P		P	
Accessory uses [See 11.05 Subd. 2.B]	P	P	P	P	P	P	P	P	P						P		P	
Agricultural uses [See 11.05 Subd. 2.G]	P	P	P	P	P										P	CU		
Agriculture, livestock [See 11.05 Subd. 2.G]	P	P	P	P/I	I													
Dwelling, single family [See 11.05 Subd. 2.F]	P	P	P	P	P	P	P	P	CU	CU	P				P		P	
Dwelling, two family [See 11.05 Subd. 2.F]				CU	CU	CU	P	P	P	CU	CU	P					P	
Dwelling, three family [See 11.05 Subd. 2.F]							P	P	P	CU	CU						P	
Dwelling, five or more family [See 11.05 Subd. 2.C&F]							P	P	CU	CU	CU						P	
Dwelling, recreational [See 11.05, Subd. 2, I.]	P	P	P	P											CU	CU		
Dwelling, four family [See 11.05 Subd. 2.F]							P	P	P	CU	CU						P	

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Dwelling, one (1) single family dwelling for owner or caretaker (and family thereof) [See 11.05 Subd. 2.D]													CU	CU	CU			
Forest management including planting, culture, thinning and harvesting, and wild crop harvesting [See 11.05 Subd.2 G]	P	P	P	CU											P/CU	P	P	
Game management and wildlife refuge	NP	NP	NP	NP	NP										NP	NP	NP	NP
Group home, single family use [See 11.05 Subd. 2.H]	P	P	P	P	P	P	P	P	P									
Group home, multi-family use [See 11.05 Subd. 2.H]		CU	CU	CU	CU		CU	CU	CU									
Manufactured home park				CU	CU	CU	CU	CU	CU									
Manufactured home park, interim	I	I	I	I	I													
Residence within business [See 11.05 Subd. 2.E]											CU							

P = Permitted; CU = Conditional Use Permit required; I = Interim Use Permit required; NP = allowed but no permit required; "blank" = not permitted.

COMMERCIAL USES permitted in zoning districts.

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Accessory uses & structures [See 11.05 Subd. 3.A]						CU				P	P	P	CU					P
Adult Use															CU			
Adult Use - Accessory [See 11.05, Subd. 4.J]										P	P	P	I					
Automobile service station [See 11.52] [See 11.05, Subd. 4.J]										CU	CU	CU	I		CU			
Automobile & truck dealerships, new or used, including lots & shops [See 11.05, Subd. 4.J]											P	P	I		CU			
Automobile rental facilities [See 11.05, Subd. 4.J]											CU	P	I		P			
Banks (e.g., banks, savings and loans associations, finance companies, including those with drive- up facilities) [See 11.05, Subd. 4.J]										P	P	P	I					P
Aviation, hangers [See 11.05 Subd. 3. L]															P			
Aviation, loading [See 11.05 Subd. 3. L]															P			
Aviation, repair [See 11.05 Subd. 3. L]															CU			
Bed and breakfast facilities [See 11.62]	CU																	
Boarding and lodging houses [See 11.05 Subd. 3.K]							CU	CU										
Building materials, retail sales/repairs [See 11.05, Subd. 4.J]											P	P	I					
Business and professional offices [See 11.05 Subd. 3.B]									CU	P	P	P	P					P

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Campgrounds [See 11.69] [See 11.05, Subd. 4.J]	CU	CU	CU	CU	CU				CU			CU	I					
Car wash [See 11.52]										CU	CU	CU	CU		CU			
Commercial or private recreational uses [See 11.05 Subd. 3.J]	CU	CU	CU										CU	CU	CU			
Commercial parking garages, ramps and lots [See 11.05 Subd. 3.C] [See 11.05, Subd. 4.J]													P	P	I		P / CU	
Cultural, entertainment and recreational establishments [See 11.05, Subd. 4.J]										P	P	P	I					P
Child care facility, licensed	P	P	P	P	P	P	P	P	P									P
Drive-in theaters [See 11.05, Subd. 4.J]													P	I				
Eating and drinking places [See 11.05 Subd. 3.D] [See 11.05, Subd. 4.J]										P	P	P	I		P			P
Eating places, with drive-in or drive-up facilities [See 11.05, Subd. 4.J]											CU	P	I					
General merchandise retail [See 11.05, Subd. 4.J]										P	P	I						P
Highway convenience [See 11.05 Subd. 3.E] [See 11.05, Subd. 4.J]		CU	CU										P	I				
Home business [See 11.05 Subd. 3.F]	I	I	I	I	I													
Home occupation	P	P	P	P	P	P	P	P	P									P
Hospital, medical campus [See 11.05, Subd. 4.J]								CU				CU	I					P
Hotels, motels [See 11.05 Subd. 3.G] [See 11.05, Subd. 4.J]										P	P	I		CU				
Kennel	I	I	I	I	I							I			I			
Medical/dental clinic, neighborhood [See 11.05 Subd. 3.H] [See 11.05, Subd. 4.J]									CU	P	P	P	I					P

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Mineral exploration	I	I	I	I										P		I		
Mortuary/funeral home [See 11.05, Subd. 4.J]						CU				P	P	P	I					
Nursing homes, licensed			P	P	CU	CU	P	P	P									
Private clubs [See 11.05 Subd. 3.M] [See 11.05, Subd. 4.J]										P	P	P	I					
Retail and service [See 11.05 Subd. 3.I] [See 11.05, Subd. 4.J]										P	P	P	I		P / CU			P
Riding stable	I	I	I	I														
Sanitary landfills	CU													C	U			
Demolition landfills [See 11.65]														C	U	CU		
Shopping centers, malls or plazas [See 11.05, Subd. 4.J]											P	I		CU				
Studios (e.g., art, television, radio, music, dance, conservatories)										CU	P	P	CU					P
Trade and business schools [See 11.05 Subd. 3.L]										P	P	CU						
Transfer station	P	P	P	P	CU								P		P	P	P	
Veterinary clinic / hospital [See 11.61] [See 11.05, Subd. 4.J]			CU	CU	CU						CU	I		CU				
Wholesale trade, sales offices										P	P	P	P	CU				

P = Permitted; CU = Conditional Use Permit required; I = Interim Use Permit required; NP = allowed but no permit required; "blank" = not permitted.

INDUSTRIAL USES permitted in zoning districts.

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Accessory use, structure or building [See 11.05 Subd. 4.A]													P	P				
Acid manufacture [See 11.05 Subd. 4.G]														CU				
Cement, lime, gypsum or plaster of paris manufacture [See 11.05 Subd. 4.G]														CU				
Crematory [See 11.05 Subd. 4.G]														CU				
Distillation of bones, coal, or wood [See 11.05 Subd. 4.G]														CU				
Electrical power facilities [See 11.05 Subd. 4.I]	CU	CU	CU	CU									CU	CU		CU		
Explosives manufacture or storage [See 11.05 Subd. 4.G]														CU				
Fat rendering [See 11.05 Subd. 4.G]														CU				
Fertilizer manufacture [See 11.05 Subd. 4.G]														CU				
Forest processing activities, temporary (ex: portable sawmills, debarking / chipping, transfer yard).	I	I	I	I									I	I		I		
Forest processing activities, permanent.	CU	CU	CU											P				
Garbage, offal or dead animals, reduction or dumping [See 11.05 Subd. 4.G]														CU				

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Gas manufacture [See 11.05 Subd. 4.G]														CU				
General [See 11.05 Subd. 4.B]														CU	P			
Glue or gelatine manufacture [See 11.05 Subd. 4.G]														CU				
Gravel pits [See 11.54]	I	I	I	I										P				
Junk and salvage yards [See 11.05 Subd. 4.H]														CU	P			
Light manufacturing [See 11.05 4.C & F]													CU	CU	P			
Manufacturing [See 11.05 Subd. 4.B]															P	P / CU		
Manufacture of paint products, paper pulp, pyrexylin, inks, soaps, tars, vinegars, salts [See 11.05 Subd. 4.G]															CU			
Petroleum refining (including bulk storage) [See 11.05 Subd. 4.G]															CU			
Railroad stub yard and freight station [See 11.05 Subd. 4.D]														CU	CU			
Smelting of tin, copper, zinc or iron ores [See 11.05 Subd. 4.G]															CU			
Specialized freight and yard equipment, private utility structures, secondary processing structures and similar specialized structures														CU	CU			

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Storage, hazardous combustible materials [See 11.05 Subd. 4.E]													CU					
Storage, mini	CU	CU	CU	CU									P	P				
Warehousing, storage and wholesaling [See 11.05 Subd. 4.F]													CU	P				

P = Permitted; CU = Conditional Use Permit required; I = Interim Use Permit required; NP = allowed but no permit required; "blank" = not permitted.

PUBLIC AND QUASI-PUBLIC USES permitted in zoning districts.

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Churches and temples, with associated educational, recreational and staff facilities				P	P	P	CU	CU	CU	CU	CU	CU						P
Educational institutions, accredited public or non-profit quasi-public				CU	CU	CU	CU	CU	CU									P
Fire tower and related facilities	CU															P	CU	
Post office and other public service operations										P	P	P						
Private parks	CU																	
Public or non-profit quasi-public libraries, museums, and art exhibition centers						CU	CU	CU	CU	CU					CU			P
Public, non-commercial recreation (e.g., trails, parks, etc.)	P	P	P	P	CU									CU		P		
Public or quasi-public parks and playgrounds, community and neighborhood centers					P	P	P	P	P									

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Public and semi-public uses [See 11.05 Subd. 5.A]		CU									P							

P = Permitted; CU = Conditional Use Permit required; I = Interim Use Permit required; NP = allowed but no permit required; "blank" = not permitted.

SIGNS, TRANSPORTATION AND OTHER USES permitted in zoning districts.

Use	F-A	A-1	A-R	R-R	S-R	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	AMU	O	O-1	PD
Airport [See 11.39]	CU	CU														P		
Grading / filling / excavation [See 11.54]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	CU	P	P
Signs, Class A (on-site) [See Subd. 11.57]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Signs, Class B (off-site) [See Subd. 11.57]										P	P	P						
Signs, Class C (temporary) [See Subd. 11.57]										P	P	P	P	P	P			
Signs, Class D (exempt) [See Subd. 11.57]	NP	NP	NP	NP														
Towers [See 11.63] [Also see Sec. 11.05, Subd., 6 B]	CU	CU	CU	CU									CU	CU	CU	CU	CU	
Utility corridors [See 11.05 Subd. 6.A]	CU	CU	CU	CU	CU								CU	CU	CU	CU	CU	
Wind energy conversion systems (WECS) [See 11.64]	CU	CU	CU	CU	CU					CU	CU	CU	CU		CU			

P = Permitted; CU = Conditional Use Permit required; I = Interim Use Permit required; NP = allowed but no permit required; "blank" = not permitted.

Subd. 2. Special Provisions for Residential, Agricultural, and Forestry Uses.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

A. Accessory structures. A building permit application may be approved for the construction of no more than one (1) accessory structure to be used as for personal storage on a parcel or contiguous tracts of land under the same ownership not containing a principal structure in any F-A, A-1, A-R, or R-R District contingently upon compliance with all of the following standards: 1) The property in question shall be in compliance with the minimum lot area and size dimension regulations applicable to the zoning district in which the accessory structure is proposed; 2) said accessory structure shall not exceed a maximum total size of 2600 square feet, and that said structure and property in question shall not be used as, or proposed for any commercial, or industrial business operation; 3) said accessory structure shall have no more than three (3) door openings where each such opening is six (6) feet or greater; 4) said accessory structure shall maintain a front yard or corner lot property line setback of no less than double the minimum setback regulation applicable to such front yard or corner lot provided it does not interfere with applicable on-site sewer (septic) system location requirements for the property in question; and 5) said accessory structure shall otherwise comply with all other regulations of this Chapter, including any such on-site sewer regulations applicable to the property in question, and that further where St. Louis County may require any drainfield and/or septic tank location the verification of said same shall be so noted on the building permit application and delineated on the attached site plan for said structure (and though not a requirement the consideration for future construction of a principal structure is advised to be taken into account for the location of above noted improvements and structure).

Source: Ordinance No. 350, 2nd Series
Effective Date: 7-11-2008

1. Accessory Structures in F-A Zone District. Accessory structures including solar collectors or panels, one (1) satellite dish greater than 40 inches in diameter and one (1) wind energy conversion system shall be permitted as an accessory use, provided that the tower shall be set back from all property lines a distance equal to or greater than the tower height as measured from the base of the tower, but in no case shall tower height exceed 130 feet. Satellite dishes less than 40 inches in diameter are allowed without a permit.

2. Accessory Structures in R-R Zone District. In addition to the requirements of Subparagraph A., 1 above, the maximum square footage for each accessory structure shall be 2600 square feet for lots up to the minimum lot area requirement; add 400 square feet to each accessory structure per each incremental 0.5 acre or portion thereof increase over said minimum lot size requirement thereafter up to 4200

square feet per such structure for lots 4 acres or larger; maximum square footage for livestock/agricultural use buildings shall be 6000 square feet for lot area of 4.5 acres or larger.

3. Accessory Structures in S-R Zone District. In addition to the requirements of Subparagraph A., 1 above, the maximum square footage for each accessory structure shall be 2000 square feet for lots up 1.0 acre; and 2400 square feet per such structure for lots over 1.0 acres in size; and further same standards shall apply to all livestock/agricultural use buildings.

Source: Ordinance No. 338, 2nd Series

Effective Date: 10-7-2007

4. Accessory Structures in R-1 Zone District. Accessory structures are permitted provided that the total maximum square footage is 1200 square feet for lots up to the minimum lot area; 1500 square feet for lot area from 9001 square feet to 14000 square feet; 1800 square feet for lot area from 14001 square feet to 18000 square feet. Accessory structures exceeding the total maximum square footage of 1800 square feet shall require an approved conditional use permit in accordance with the procedures stipulated in Sec. 11.73 of this Chapter for such permits, however the conditional use permit may only be requested in cases where the property in question exceeds 18000 square feet in total lot area, and provided:

a. The maximum lot coverage percentage of this district shall not be exceeded.

b. The front yard setback of the detached accessory structure in question shall be equal to, or greater than, the existing or proposed principal structure.

c. Said accessory structure shall conform to accessory structure regulations as stipulated in Sec. 11.06, Zone District Dimensional Standards of said City Code. Any proposed detached accessory structure requiring a conditional use permit under this regulation may exceed applicable wall and roof peak height limit regulations as stipulated in Subd. 2, of said Sec. 11.06 provided any such limit to be exceeded is specified in said petition for conditional use permit.

d. Nothing shall prevent the City from attaching additional conditions for approving such conditional use permits which may include, but not necessarily be limited to, requirements for roof and exterior finish, screening, increased setbacks from property lines, and prohibiting dwelling, commercial, industrial and other land uses from being located within said accessory structure.

5. Accessory Structure in R-2 Zone District. Accessory structures are permitted provided that the total maximum square footage is 1000 square feet for lots up to the minimum lot area; 1200 square feet for lot area from 7501 square feet to 14000 square feet; 1500 square feet

for lot area of 14001 square feet to 18000 square feet; 700 square feet per dwelling unit for duplex or multiple family residence. Accessory structures exceeding the total maximum square footage of 1500 square feet on any lot for a single family dwelling shall require an approved conditional use permit in accordance with the procedures stipulated in Sec. 11.73 of this Chapter for such permits; however, the conditional use permit may only be requested in cases where the accessory structure is less than 1800 square feet and where the property in question exceeds 18000 square feet in total lot area, and provided:

a. The maximum lot coverage percentage of this district shall not be exceeded.

b. The front yard setback of the detached accessory structure in question shall be equal to, or greater than, the existing or proposed principal structure.

c. Said accessory structure shall conform to accessory structure regulations as stipulated in Sec. 11.06, Zone District Dimensional Standards of said City Code. Any proposed detached accessory structure requiring a conditional use permit under this regulation may exceed applicable wall and roof peak height limit regulations as stipulated in Subd. 2, of said Sec. 11.06 provided any such limit to be exceeded is specified in said petition for conditional use permit.

d. Nothing shall prevent the City from attaching additional conditions for approving such conditional use permits which may include, but not necessarily be limited to, requirements for roof and exterior finish, screening, increased setbacks from property lines, and prohibiting dwelling, commercial, industrial and other land uses from being located within said accessory structure.

Source: Ordinance No. 369, 2nd Series
Effective Date: 03-30-2010

6. Accessory Structure in R-3 Zone District. Accessory structures are permitted provided that the total maximum square footage is 1000 square feet for single family dwelling for lots up to the 7500 square feet in area, and 1200 square feet for lot area from 7501 square feet to 14000 square feet, and 1500 square feet for lot area of 14001 square feet and larger; 700 square feet per dwelling unit for any duplex or townhouse; 500 square feet per dwelling unit for multiple family residence.

7. Accessory Structure in R-4 Zone District. Accessory structures are permitted provided that the total maximum square footage is 1000 square feet for single family dwelling; 700 square feet per dwelling unit for any duplex or townhouse; 500 square feet per dwelling unit for multiple family residence.

8. Satellite Dish. A conditional use permit is required for each additional satellite dish greater than 40 inches in diameter after the first one on a lot.

B. Accessory Uses in R-1, R-2, R-3 and R-4 Zone Districts. Such uses shall include solar collector or panel and one satellite dish greater than 40 inches in diameter subject to the minimum lot line setback and maximum height requirements for accessory structures.

C. Dwelling, five or more family.

1. In R-3 Zone District. Apartment complexes, townhouses or condominiums are permitted subject to a maximum density of sixteen units per acre.

2. In R-4 Zone District. Apartment complexes, townhouses or condominiums are permitted subject to a maximum density of thirty-two units per acre.

3. In C-2 Zone District. Apartment buildings, townhouses, condominiums, cooperatives, where used exclusively for residential purposes, and only where eight or more attached residential units are proposed may be permitted as a conditional use. Where a multiple family structure is proposed to be developed in combination with general commercial uses located in the same structure, no minimum number of residential units shall apply, but such units shall be allowed only on the floor levels designated at an elevation at least above average grade level of the subject site.

4. In C-3 Zone District. Apartment buildings, townhouses, and condominiums, with a maximum density of sixty-four units per gross acre only when proposed to be developed as a Planned Development District in this Chapter.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

D. Dwelling, one (1) single family dwelling for owner or caretaker (and family thereof). C-3 Highway Service Commercial, I-1 Light Industry, I-2 General Industry Zone Districts. The intent of this regulation is solely for the purposes of maintaining orderly upkeep of the existing business or businesses found on such premises, and for protection of the owner(s) investment thereof, but not for establishing temporary or permanent housing for more than one family as defined in this chapter. Application/Petition shall be made to the Planning Commission for a conditional use permit (CUP) for one (1) owner or caretaker occupied single family dwelling to be constructed, or placed on the premises, and any approval of such permit shall be contingent upon conformance with the following minimum conditions:

(a) The property owner verifies in written form (letter) attached to the CUP application/petition that there is an established and operational business on the premises, including the name and type or description of the subject business or businesses (if more than one), and the property's address, that the owner or caretaker as resident of the proposed dwelling does not reside on other property within 1000 feet of the property lines of said premises;

(b) Any additional dwelling unit of any design or description (whether separate structure, or addition or alteration to original construction), including any use of the premises as for camping, or transient living purposes shall be prohibited, however that the single

\$11.05

family dwelling granted under this permit may be replaced (on a one-for-one basis) by one (1) single family dwelling provided existing dwelling is pronounced unfit for human habitation by the City Building Official, and then is entirely demolished and/or removed from the premises, and a building permit is approved (and new sewer permit is approved as required) for said replacement provided said same conforms to the conditions stipulated for the existing conditional use permit;

(c) A building permit shall be required for any improvement such as said dwelling, including any detached or attached accessory structure as defined in this chapter, any remodeling, renovation, addition or alteration to existing dwelling or accessory structure provided any such improvement does not include any additional dwelling or dwelling unit, including such uses described and noted above as prohibited;

(d) Minimum property line setbacks of the applicable zone district shall apply for such dwelling and any accessory structure (and/or applicable minimum setbacks from any forested or tributary river/stream), and the maximum height of such dwelling shall be 35 feet, and where such dwelling is proposed to be located in the urban area limits of the City of Hibbing the minimum width of said dwelling shall be 18 feet, and further the R-1 Zone regulations for accessory structure square footage and height limits shall apply where such structure is proposed as an accessory use to the dwelling;

(e) It shall be understood that Section 11.70, Additional Standards Applicable To All Districts And Uses as found in this chapter shall apply to locating and accessing the building site for any such dwelling granted under this regulation;

(f) Nothing shall prevent the City of Hibbing from attaching additional conditions to any conditional use permit as a contingency for approval.

Source: Ordinance No. 396, 2nd Series
Effective Date: 10-19-2011

E. Residences with business. These are dwelling units which are a part of the retail and service structure and are occupied by the proprietor of said retail and/or service business.

F. Residences in commercial districts.

1. Replacement, enlargement or improvement of existing residential structures in C-3 zone district. Replacement, enlargement or improvement of existing single-family or two-family residential dwellings shall be permitted provided the number or numbers of the existing dwelling unit or units on the property in question shall not be increased, and that the replacement structure shall not be less than 18 feet wide and not greater than 35 feet high; and further provided any such replacement, enlargement or improvement shall comply with the minimum setback regulations of this district (Highway Service Commercial District) for principal structure.

2. Residences in C-1 zone district.

- (a) If a C-1 District adjoins more than one Residential District, the regulations of the most restrictive adjoining Residential District shall apply.
- (b) Residence must located within the structure containing a commercial use, which commercial use must be on the first floor. Further, residence must be located in an upper story and cannot be located on the first floor or below grade.

G. Agriculture, livestock.

1. Livestock may only be allowed on parcels lying outside the Urban Service District.

2. In R-R zone district. Livestock may be allowed as a permitted use provided lot area equals or exceeds 2.5 acres, and as an Interim use on lots less than 2.5 acres.

3. In S-R zone district. Livestock may be allowed as an Interim use provided that the parcel is not less than 2.5 acres in lot area and not less than 100 feet in width.

4. In R-R and S-R zone districts. There must be an occupied year-round residence on parcels with livestock.

5. In AMU-P zone district. Uses are permitted provided there are no buildings or other structures; structures (including addition, enlargement, replacement / relocation of existing) not larger than 10,000 square feet may be allowed as a conditional use for open space uses including livestock pasturing, hay and wild crop harvesting.

H. Group homes.

1. A state licensed residential facility or a housing with services establishment registered under MS 144D serving 6 or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children shall be considered a permitted single family residential use, except 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.

2. A state licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13

through 16 persons shall be considered a permitted multifamily residential use.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

I. Non-commercial recreational dwelling (i.e. principal structure) in the O-1 Open Space District - Conditional Use Permit Required. Due to the sensitive nature and critical physical environmental features for which the O-1 Open Space District is established, only one (1) non-commercial recreational dwelling (i.e. principal structure) per parcel may be allowed provided a conditional use permit (CUP) conforming to the application requirements, procedures and regulations as stipulated in Sec. 11.73 of this Chapter for such permit is approved. This regulation recognizes the potential for recreational enjoyment of such property by the landowner, however, in order to protect the natural value and functionality of such land, this land use shall be further subject to the following:

1. The parcel in question shall conform to the minimum lot area dimension regulations of said district, and shall have frontage on and access to an improved public road, excepting otherwise as stipulated in Sec. 11.70, Subd. 4, of this Chapter as it applies to recreational dwellings.

2. A building permit shall be required for said principal structure which for these purposes shall be a single family dwelling; however, any use of the parcel in question as for a primary residence shall be prohibited. Such principal structure shall be placed on the building site using either on-grade piers, slab-on-grade, or post frame foundation methods, and is anchored as required, and is not more than two-stories in height. Any below grade continuous foundation, partial or full basement, including any cellar, or any below grade principal and accessory structure use is prohibited. As an alternative, one recreational vehicle or trailer otherwise known for this purpose as RV, or one manufactured or modular home licensable by the State of Minnesota may be requested as the principal structure. One (1) open or enclosed deck may be attached or adjoined to the principal structure; however, such decks including screenhouses shall be prohibited from being detached, or attached or adjoined to any accessory structure. Following approval of such a CUP, no principal structure shall be replaced, altered, enlarged, expanded, added to, or relocated on, or moved onto the parcel in question unless a new CUP is approved.

(a) At any time such principal structure is proposed or exists in conformance with this procedure a limit of one (1) detached accessory structure per parcel where such structure exceeds a total of 144 square feet may be permitted. The use of such accessory structure shall be as defined in this Chapter and shall require a building permit, and further for the purpose of this regulation shall be a one-story detached building, containing no cooking facility or dwelling/sleeping quarters, and no sanitation facility.

(b) Any detached (open or enclosed) shed or structure which does not exceed 120 square feet shall not require a building permit. Such structures herein are accessory to the principal structure per above referenced definition and noted procedure and shall not be converted to residence uses. Where any "wet" sauna is to be established, said same shall be served by a grey water septic system as regulated by the St. Louis County Dept. of Environmental Services, as shall be any washing sink, shower or tub using a pressurized water system. If such sauna, and/or shower/tub facility is detached, said same shall not exceed 150 square feet, and otherwise shall conform to applicable regulations of said County Department.

3. Open or outside storage prohibited. Any vehicle, or trailer requiring a license that is not operable, or not displaying current registration, including any parts thereof shall not be stored or kept in the open or outside of a completely enclosed structure. All waste, including recyclables shall be kept in a completely enclosed structure or a securely closed container until removed from the premises for disposal in accordance with applicable local and state regulations. The parcel in question shall not be used for a laydown or storage site for any equipment or vehicle intended to be used for logging, farming, excavation or construction purposes unless such equipment or vehicle use is on site and is removed from same said property within 60 days of completion of the applicable purpose or is stored or kept in a completely enclosed structure. Open or outside storage of any single item otherwise meeting the definition in this Chapter as for junk or salvage is prohibited.

4. The on-site sanitation system shall consist of any natural or mechanical composting toilet (contained in such an approved single family dwelling), including a limit of one (1) detached privy (or portable chemical toilet) any of which the aforementioned shall conform to applicable standards and regulations of the St. Louis County Dept. of Environmental Services for such systems. Detached toilet or privy structure shall not exceed 50 square feet in total size. Any black water septic system, including any holding tank system, is prohibited except for a holding tank on-board a RV provided an officially authorized off-site sewer dumping facility shall be used for dumping said same's contents. Any such operational on-site black water septic system existing as of March 31, 2012, shall be allowed to continue, provided said same system shall not be altered or changed in any way from its original construction, to improve its operation, extend its life. Nor shall such system be replaced with any new system. Once such system has failed to be an operable system as according to the St. Louis County Dept. of Environmental Services it becomes a prohibited use and the landowner shall cause its permanent abandonment or removal (as required) and verify said same with said County Department and City of Hibbing Building Official or Zoning Administrator within a time limit agreed upon by said landowner, County and City authorities.

5. Impervious surfaces shall not exceed 3% of the total lot area of the parcel in question; however, where such parcel has a total lot area greater than 9 acres said impervious surfaces shall not

exceed 12,000 total square feet. For purposes of this regulation the term "impervious surface" shall describe any hard surface consisting of material which is not manufactured, designed or finished to allow water to penetrate, pass or filter through it and into the ground or soil beneath. Such impervious surfaces shall include but are not necessarily limited to any structure, roof, and hard pavement surfaces such as concrete or asphalt.

6. Conformance with Federal and State Wetland Laws, Regulations and Standards. The landowner shall be able to provide verification to the local zoning authority, including any federal and state wetland regulatory authority, that any site for uses or improvements listed herein this regulation, including any use allowed in the O-1 District, is upland as defined as such by said wetland regulatory authorities or otherwise is in conformance with applicable wetland laws, regulations and standards of the State of Minnesota and U.S. Army Corps of Engineers. Official issuance of any applicable CUP shall be contingent upon such official verification by said same authorities.

(a) Any wetland impact (e.g. filling, draining, excavation) shall follow the Minnesota Wetland Conservation Act (WCA) sequencing standards to avoid, minimize, or replace wetland values to be lost by such impact. It is the intent of this regulation and CUP procedure to allow limited wetland impacts for recreational camping, structures, and private access as specified under this regulation in conformance with above noted wetland laws, regulations and standards. Official issuance of any applicable CUP shall be contingent upon full conformance with applicable Federal and State Wetland Laws, Regulations and Standards.

(b) Minimum setback regulations. Above noted structures, uses, including any camping use, for the parcel in question shall maintain a minimum setback of 75 feet from all property lines, a minimum ordinary high water level (OHWL) setback of 200 feet from any Forested River or Stream, 150 feet from any Tributary River or Stream. Wetland impacts shall be designed for aforementioned structures and uses to avoid encroachment upon said minimum setback regulations.

7. Nothing shall prevent the City of Hibbing from attaching additional conditions to any CUP in order to ensure the protection of the environmental features of the parcel in question and to obviate any objectionable impacts for adjoining properties including any easement or public right-of-way.

8. The landowner or current holder of the CUP shall be responsible for disclosure of the CUP, its current conditions and above standards as said same apply to property in question upon any transfer of property ownership. The City of Hibbing may revoke any CUP if any of the terms, conditions, ordinances, laws or regulations applicable to its approval are found to be violated.

Source: Ordinance No. 407, 2nd Series
Effective Date: 04-11-2012

Subd. 3. Special Provisions for Commercial Uses.

A. Accessory uses, buildings or structures.

1. In C-1 and C-3 zone district. Any accessory use, building or structure customarily incidental to a principal use permitted above, and located on the same lot therewith, including solar collectors or panels, one (1) satellite dish greater than 40 inches in diameter.

2. In C-2 zone district. Any accessory use, building or structure customarily incidental to a principal use permitted above, and located on the same lot therewith, and including solar collectors or panels, one (1) satellite dish greater than 40 inches in diameter and one (1) wind energy conversion system shall be permitted as an accessory use, provided that the tower shall be set back from all property lines a distance equal to or greater than the tower height as measured from the base of the tower, but in no case shall tower height exceed 130 feet.

3. In C-3 zone district. Any detached accessory structure where it is clearly incidental to an existing principal residential dwelling may be permitted in compliance with all applicable zoning regulations of the adjoining "Residential" zoning district. Where there is more than one "Residential" zoning district adjoining the property in question, the regulations of the most restrictive of said districts shall apply. In any case the front yard setback from the right-of-way line of any primary arterial street or highway for said accessory structures shall not be less than 100 feet, or 35 feet from other streets. For purposes of this subdivision, "Residential" zoning district shall mean any zoning district found in this Chapter where single-family residences are a permitted use and are considered a principal structure.

B. Business and professional offices.

1. In R-4 zone district. Such uses cannot exceed a maximum gross floor area of 5000 square feet and must meet the following special district provisions:

- (a) Each application for a business or professional office use shall be individually evaluated in regard to customer or client traffic: It is desirable to have minimal traffic generated by the use in deference to the residential character of the R-4 District. Any application which would appear to generate unreasonable client patronage

on the premises may be disapproved. "Unreasonable" may be determined in relation to usual pedestrian and vehicle traffic volume without such use. This is especially important on minor or local streets.

- (b) All equipment, including vehicles, associated with such operation shall be placed in acceptable enclosed storage areas.
- (c) All office functions shall be subject to approved hours of operation, such hours to be determined and agreed upon at time of conditional permit issuance.

2. Offices in C-1 zone district. Permitted offices include medical/dental clinics and offices of 5000 square feet gross floor area or less.

C. Commercial parking garages, ramps and lots.

1. In C-2 zone district. Commercial parking structures and lots for passenger vehicles only, provided a reservoir space is provided within the structure or lot for holding cars awaiting entrance, which reservoir shall have a capacity of no less than two vehicles.

2. In AMU-P zone district. Only publicly owned parking ramps/ lots are allowed as a permitted use; privately owned or operated facilities may be allowed as a conditional use. This does not include off-street parking and loading area requirements as stipulated in Sec. 11.51 of this Chapter.

D. Eating and drinking places in C-1 zone district. Eating and drinking establishments of the type permitted in this district include soda fountains, ice cream parlors, tea rooms, coffee shops, restaurants and cafes, but not those providing live entertainment and drive-in restaurants.

E. Highway convenience commercial in A-1 and A-R zone districts. Such uses are limited to minor commercial uses which offer convenience services and retail goods primarily intended for the local rural neighborhood and incidentally to the traveling public. Said commercial uses shall be limited exclusively to the following uses: convenience stores; automotive fuel sales and service stations; café/restaurant dining with or without on-sale liquor license; agricultural/ forestry equipment sales and service; recreational sports equipment sales and service; rental services and facilities; automotive dealership and/or service garage. The following standards shall be complied with:

1. Unless the property in question is a legal lot of record at the time this amendment is adopted, said property shall comply with the applicable zoning district's minimum dimensional requirements for such property; however, the lot area designated for the convenience commercial uses and buildings shall not have less than 200 feet fronting along a Principal or Minor Arterial Highway or Major Collector Highway and shall not exceed two (2) acres in area. Said designated lot area shall not be subdivided from said property in question unless all of the properties including designated lot area resulting from such subdivision comply with said minimum dimensional requirements. Access drives onto roads or highways shall comply with the requirements of the applicable jurisdictional authority.

2. All buildings shall comply with the applicable setback requirements of the zoning district. Said commercial use or uses for the property in question shall be limited to one (1) principal building which shall not exceed 5000 sq. ft. in size and not contain any residence and not exceed one (1) story (maximum 30 feet in height). Each associated detached accessory building shall not exceed 5000 sq. ft. in size and 30 feet in height; and all buildings shall not cover more than 50% of the convenience commercial lot.

3. There shall be no outdoor storage, other than temporary displays limited only to sales/rental items related to said commercial uses. In any case the total number of items for such displays shall not exceed fifteen (15), including of which all vehicles and/or equipment shall be kept in operable condition. Said displays shall be adequately screened from any side and rear property lines of adjacent properties by a fence and/or trees designed and permanently maintained for such purposes which shall be approved by the Zoning Administrator. No commercial activities or parking shall be allowed within 30 feet of the above noted property lines of adjacent properties. All displays, employee and customer parking, and operations shall be organized in a designated area or areas and kept in orderly fashion, and not located on any public right-of-way.

4. Illumination of the subject property shall not be directed towards any adjacent private or public property.

5. Signage shall comply with the applicable sign regulations of Sec. 11.57 for highway commercial uses.

6. Nothing shall prevent the City of Hibbing from attaching additional conditions to any conditional use permit.

F. Home business.

1. In S-R zone district. Home businesses must be on a parcel that is not less than 1 acre in lot area and not less than 100 feet in width.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

2. Deleted per Ordinance No. 349, 2nd Series.
Effective Date: 5-21-2008

G. Hotels and motels in R-4 zone district. Hotels and motels for transient guests may be allowed as conditional uses provided when located on a lot with frontage on a street officially designated as an arterial or collector street in the Comprehensive Land Use Plan.

H. Medical/dental clinic, neighborhood in R-4 zone district. Neighborhood medical/dental clinics and offices may be allowed as a conditional subject to a maximum gross floor area of 5000 square feet.

I. Retail and service.

1. In C-1 zone district. Retail and service establishments of the type permitted in this district are those that supply commodities or performing services primarily for residents of the surrounding neighborhood on a day-to-day basis, such as grocery stores, pharmacies, household light appliance repair, hardware stores, delicatessens, specialty and handicraft shops, barber and beauty parlors, clothes cleaning or repair and laundry pick-up stations.

2. In C-2 zone district. May include uses similar to those permitted in this district when the fact of similarity is determined by the Zoning Board of Appeals and Adjustments.

3. In AMU-P zone district. Permitted uses include retail shops, offices or office complexes, commercial eating or drinking establishments. Any such shop, office or establishment not contained within the Airport Authority's airport terminal shall be a stand-alone building per parcel, and subject to a maximum building size of 10,000 square feet. Retail shops, but not commercial eating or drinking establishments, larger than 10,000 square feet may be allowed as conditional uses.

J. Recreational uses.

1. General. These include commercial or private recreational uses which, by their nature, require large land areas to buffer them from adjoining uses, such as race tracks, gun clubs, and amphitheaters.

2. In AMU-P zone district. Allowable uses include commercially or publicly owned outdoor/indoor recreational uses, buildings, fields, including related facilities.

K. Boarding and lodging houses.

1. In R-2 zone district. Such uses are subject to a maximum of eight accommodation units.

2. In R-3 zone district. Such uses are subject to a maximum of ten accommodation units.

L. Aviation uses.

1. Hangers must be owned by the Airport Authority, which may offer the hangers for private use.

2. Loading and unloading operations include those at the airport terminal for ground shipping and taxi services, including ground based public or private mass transit.

3. Aviation repair operations include those not associated with the Airport Authority, or not in conjunction with an aviation manufacturing operation listed as a permitted use.

Subd. 4. Special Provisions for Industrial Uses.

A. Accessory use, structure or building.

1. In I-1 zone district. One (1) satellite dish greater than 40 inches in diameter per lot and solar collectors or panels.

2. In I-2 zone district. Accessory structures including solar collectors or panels, one (1) satellite dish greater than 40 inches in diameter and one (1) wind energy conversion system shall be permitted as an accessory use, provided that the tower shall be set back from all property lines a distance equal to or greater than the tower height as measured from the base of the tower, but in no case shall tower height exceed 130 feet.

B. General manufacturing.

1. In C-2 zone district. Limited industrial uses such as manufacturing treatment, converting, finishing, warehousing or assembling authorized as a principal permitted use in the I-1 District may be allowed as a conditional use.

2. In C-3 zone district. Light manufacturing and warehousing uses as listed in the I-1 District, subject to the regulations of that District, may be allowed as a conditional use.

3. In I-2 zone district. Any industrial use which is not specifically prohibited herein or any industrial use not listed as a conditional use herein this District may be permitted.

4. In AMU-P zone district. Permitted uses include aviation related manufacturing, fabricating, assembling, warehousing, and sales. All non-aviation related uses may be allowed as conditional uses.

C. Light manufacturing.

1. In I-1 zone district. Any light manufacturing use or process including repairs, assembling, fabricating, altering, converting, finishing, processing, treating, testing, packaging or bottling; except any use or process hereinafter specifically excluded or which would not be in keeping with the purpose of the District as stated above. Such determination shall be made by the Zoning Administrator upon review of the building permit application.

2. In C-3 zone district. Light manufacturing uses allowed in I-1 District may be allowed as conditional uses, subject to the regulations of that District.

D. Railroad stub yard and freight station in I-2 zone district. Must be located not less than 200 feet from any Residence District.

E. Storage, hazardous combustible materials in I-1 zone district. The storage of any hazardous combustible material, including but not limited to flammable liquids or gases, provided they are stored in underground containers not to exceed 25,000 gallons (if liquid) per storage unit. All such underground storage containers shall be located at least 200 feet from any Residential District.

F. Warehousing, storage and wholesaling.

1. In C-3 zone district. Warehousing uses allowed in I-1 District may be allowed as conditional uses, subject to the regulations of that District.

2. In the AMU-P zone district only short and long term storage facilities may be allowed.

G. Conditional use requirements. These uses may only be authorized as a conditional use by the Council if located at least 400 feet from any Residence District, and if the location of such use has been recommended by the Planning Commission after receiving reports from the Chief of the Fire Department, and the Minnesota Pollution Control Agency.

H. Junk and salvage yards in I-2 zone district. Junk yards, including automobile wrecking and industrial metal and waste salvage, but not including refuse or garbage disposal, may be permitted if located at least 200 feet from any Residence District.

I. Electrical power facilities. These uses include necessary facilities for the production of electric power including but not limited to dams, reservoirs, and power plants. Projects including mandatory review of the Minnesota Environmental Quality Council shall be exempt from Conditional Use review.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

J. C-3 zone uses as interim uses in I-1 zone. The City Council may approve any interim use permit provided such I-1 District property has frontage on Trunk Highways 169 or 37, or on a developed public service road which directly fronts on such a Trunk Highway, and further provided that such uses shall comply with the applicable regulations of this chapter as for the C-3 Highway Service Commercial District, and any conditions attached to such interim use permit by the City of Hibbing.

Source: Ordinance No. 355, 2nd Series
Effective Date: 11-19-2008

Subd. 5. Special Provisions for Public Uses.

A. Public and semi-public uses. These uses include but are not limited to the following: public and private schools, churches, community buildings, hospitals, rest homes, fire and police stations, public maintenance or storage buildings.

B. Public or non-profit quasi-public uses.

1. In R-2 and C-1 zone districts. These shall only include those public or non-profit quasi-public uses listed as Permitted or Conditional Uses in the R-3 District.

2. In R-3 and R-4 zone districts. These shall only include those public or non-profit quasi-public uses listed as Permitted or Conditional Uses in the R-1 District.

Subd. 6. Special Provisions for Signs, Transportation and Other Uses.

A. Utility corridors and related facilities.

1. General. These include but are not limited to transmission towers and lines, and pipelines.

2. In the AMU-P zone district. These include public service corporation uses including other uses such as but not limited to utility corridors, buildings, towers, antennas, and other public and private utility transmission facilities reasonably necessary to the public convenience or welfare.

Source: Ordinance No. 338, 2nd Series
Effective Date: 10-7-2007

B. Towers for communication purposes in the R-R zone District.

1. Such towers shall be limited to any communication tower owned by a government entity or agency and the intended primary use of said tower shall be for public safety use for emergency communications purposes. Such towers shall be regulated by Section 11.63 of this Chapter and otherwise as follows:

(a) An approved conditional use permit and building permit shall be required for any such tower including related equipment and buildings.

(b) The structural height of such tower shall not exceed 200 feet and said tower shall be required to have a minimum setback distance of 200 feet from the property line of any dwelling.

(c) Antennas for commercial use may be co-located in addition to the primary public use of said tower; however, private ownership of the tower structure itself shall be prohibited.

(d) Any structural change to such an existing tower shall conform to the applicable regulations of this Chapter. Any increase of existing tower height and/or any expansion of tower site footprint at ground elevation, including any new tower foundation or anchoring configuration, shall not take place unless a new conditional use permit is approved and building permit is issued.

Source: Ordinance No. 402, 2nd Series
Effective Date: 12-29-2011

SEC. 11.06 ZONE DISTRICT DIMENSIONAL STANDARDS.

Subd. 1. Dimensional Standards. The following tables establish the dimensional standards that shall be applied within the appropriate zone districts. These standards shall be interpreted as the minimum requirements for each pertinent subject. Additional standards may be applied as per this ordinance.