

## SUB-ANALYSIS

	Title	Page
<b>CHAPTER 11 LAND USE REGULATION (ZONING) . . . . .</b>		<b>423</b>
Section 11.01 Applicability and Purpose . . . . .		423
11.02 Definitions . . . . .		424
11.03 General Provisions . . . . .		438c
Subd. 1 Compliance . . . . .		438c
Subd. 2 Limitation on Issuance of Building Permit . . . . .		438c
Subd. 3 Building Requirements . . . . .		438c
Subd. 4 Foundations . . . . .		439
Subd. 5 Area Requirements . . . . .		439
Subd. 6 Minimum Requirements . . . . .		439
Subd. 7 Dwelling on Any Lot of Record . . . . .		439
Subd. 8 Height Limitations Not Applicable . . . . .		439
Subd. 9 Yard and Frontage Limitations Not Applicable . . . . .		440
Subd. 10 Yard Space, General . . . . .		440
Subd. 11 Placement of Single-and Two-Family Residential Structures on Large Lots . . . . .		441
Subd. 12 Yard Space Encroachments - Projections Into Yards . . . . .		441
Subd. 13 Yard Space Exception, Steep Slopes . . . . .		442
Subd. 14 Erection of More Than One Principal Structure on a Lot . . . . .		442
Subd. 15 Housing Projects With Single Open Side Yards . . . . .		442
Subd. 16 Accessory Buildings . . . . .		442
Subd. 17 Fences in Residential Districts . . . . .		442
Subd. 18 (Repealed)		
Subd. 19 (Repealed)		

	<u>Title</u>	<u>Page</u>
Section	11.04 Establishment of Zoning Districts and Provisions for Official Zoning Map . . . . .	444
	11.05 Uses Permitted in Zone Districts . . . . .	446
	11.06 Zone District Dimensional Standards . . . . .	466a
	11.07 - 11.19 Reserved	
	11.20 (Repealed)	
	11.21 (Repealed)	
	11.22 (Repealed)	
	11.23 (Repealed)	
	11.24 (Repealed)	
	11.25 (Repealed)	
	11.26 (Repealed)	
	11.27 (Repealed)	
	11.28 (Repealed)	
	11.29 (Repealed)	
	11.30 (Repealed)	
	11.31 (Repealed)	
	11.32 (Repealed)	
	11.33 (Repealed)	
	11.34 (Repealed)	
	11.35 (Repealed)	
	11.36 (Repealed)	
	11.37 (Repealed)	
	11.38 (Repealed)	
	11.39 Chisholm-Hibbing Airport Zoning Ordinance . . . . .	497
	Subd. 1 Purpose and Authority . . . . .	497
	Subd. 2 Short Title . . . . .	497
	Subd. 3 Definitions . . . . .	497
	Subd. 4 Airspace Obstruction Zoning . . . . .	499
	Subd. 5 Land Use Safety Zoning . . . . .	501
	Subd. 6 Airport Zoning Map . . . . .	503
	Subd. 7 Nonconforming Uses . . . . .	504
	Subd. 8 Permits . . . . .	504
	Subd. 9 Variances . . . . .	505
	Subd. 10 Hazard Marking and Lighting . . . . .	506
	Subd. 11 Conflicts . . . . .	506
	Subd. 12 Severability . . . . .	506
Section	11.40 AMU-P Airport Multiple Use Park District . . . . .	506
	Subd. 1 General Uses . . . . .	506
	Subd. 2 AMU-P, Airport Multiple Use Park District . . . . .	507
	Subd. 3 Accessory Uses, Buildings or Structures . . . . .	509
	Subd. 4 Storage, Screening, Off-Street Parking and Landscaping . . . . .	509
	Subd. 5 Requirements . . . . .	510

	<b>Title</b>	<b>Page</b>
Section 11.41 - 11.49 Reserved		
11.50 Special Provision: PD Planned Development District . . . . .	519	
11.51 Special Provision: Off-Street Parking and Loading Spaces . . . . .	526	
11.52 Special Provision: Automobile Service Station and Car Wash Regulations . . . . .	533	
11.53 Special Provision: Performance Standards . . . . .	538	
11.54 Special Provision: Grading, Filling or Excavation . . . . .	541	
11.55 Special Provision: Junk Yards . . . . .	545i	
11.56 Special Provision: Firewood Storage . . . . .	546	
11.57 Special Provision: Signs . . . . .	547	
Subd. 1 Purpose . . . . .	547	
Subd. 1A Sign Classifications . . . . .	548	
Subd. 2 General Requirements . . . . .	548	
Subd. 3 Sign Requirements by Type . . . . .	551	
Subd. 4 Sign Standards by Zoning Districts .	554	
Subd. 5 Prohibited Signs and Sign Characteristics . . . . .	559	
Subd. 6 Non-Conforming Signs or Awnings . .	560	
11.58 Special Provision: Rural Residential, Light Industrial Regulations . . . . .	560	
11.59 Special Provision: Recreational Vehicle/General Campground Facility . . . . .	561	
11.60 Flood Plain Management . . . . .	563	
Subd. 1 Statutory Authorization, Findings of Fact and Purpose . . . . .	563	
Subd. 2 General Provisions . . . . .	563	
Subd. 3 Definitions . . . . .	565	
Subd. 4 Establishment of Zoning Districts .	567	
Subd. 5 Floodway District (FW) . . . . .	568	
Subd. 6 Flood Fringe District (FF) . . . . .	571	
Subd. 7 General Flood Plain District . . . . .	575	
Subd. 8 Subdivisions . . . . .	577	
Subd. 9 Public Utilities, Railroads, Roads, and Bridges . . . . .	578	

<u>Title</u>	<u>Page</u>
Section 11.60 Flood Plain Management (cont.)	
Subd. 10 Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles . . . . .	578
Subd. 11 Administration . . . . .	580
A. Zoning Administrator . . . . .	580
B. Permit Requirements . . . . .	581
C. Board of Adjustment . . . . .	582
D. Conditional Uses . . . . .	583
Subd. 12 Non-Conforming Uses . . . . .	586
Subd. 13 Unlawful Acts . . . . .	587
Subd. 14 Amendments . . . . .	589
11.61 Special Provision: Veterinary Hospital/ Clinic and Kennel Regulations . . . . .	589
11.62 Special Provision: Bed and Breakfast Facilities . . . . .	592
11.63 Special Provision: Towers . . . . .	595
11.64 Special Provision: Wind Energy Conversion System (WECS) . . . . .	599-d
Subd. 1 . . . . .	599-d
Subd. 2 Conditional Use . . . . .	599-d
Subd. 3 Prohibited Uses . . . . .	599-d
Subd. 4 Building, Zoning, and MNDOT Permits including Federal Aviation Administration Application for WECS .	599-e
Subd. 5 Commercial and Non-Commercial WECS .	599-e
Subd. 6 Overall Height of WECS (OHOW) . . . . .	599-f
Subd. 7 OHOW Limit Provisions Applicable to Commercial WECS . . . . .	599-f
Subd. 8 Exempt WECS . . . . .	599-f
Subd. 9 WECS Requiring a Conditional Use Permit (CUP) . . . . .	599-g
Subd. 10 Buildings and Improvements Associated with or Incidental to WECS . . . . .	599-h
Subd. 11 Performance Standards Applicable to WECS . . . . .	599-h
Subd. 12 Discontinuation of and Decommissioning a WECS . . . . .	599-i
11.65 Special Provision: Demolition Landfill Facility	599-j
11.66 - 11.69 Reserved	
11.70 Additional Standards Applicable to All Districts and Uses . . . . .	600

	<u>Title</u>	<u>Page</u>
Section	11.71 Non-Conforming Lots, Land Uses, and Structures . . . . .	601
	11.72 Variances . . . . .	605
	11.73 Conditional Uses . . . . .	606
	11.74 Amendments . . . . .	612
	11.75 Administration and Enforcement . . . . .	613
	11.76 Schedule of Fees, Charges, and Expenses . . . . .	615
	11.77 Hearings and Hearing Notices . . . . .	615
	11.78 Interim Uses . . . . .	617
	11.79 - 11.98 Reserved	
	11.99 Violation a Misdemeanor . . . . .	628

**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.

District	Min. Lot Size	Min. Lot Width	Min. Lot Depth	Max. Cov.	Max. Height	Principle Struct. Setback		Access. Struct. Setback	
						Side	Rear	Side	Rear
F-A	17 ac.	600'		5%	35' <sup>3</sup>	100'	100'	100'	100'
A-1	9 ac.	300'	N.A.	5%	35'	75'	75'	75'	75'
A-R	4.5 ac.	300'	N.A.	10%	35'	50'	50'	50'	50'
R-R	2.5 ac.	200'	N.A.	20%	35'	25'	50'	10'	10'
S-R	0.5 ac. <sup>4</sup>	100'	N.A.	25%	35'	20'	45'	10'	10'
R-1	9,000 sf	75'	120'	35%	35'	5'	30'	5'	5'
R-2	7,500 sf <sup>11</sup>	60'	120'	40%	35'	5'	25'	5'	5'
R-3									
1 fam.	5,000 sf	50'	100'	45%	45'	5'	20	5'	5'
2 fam.	7,000 sf	60'	100'	45%	45'	5'	20	5'	5'
Multi	10,000 sf	60'	100'	45%	45'	5'	20	5'	5'
Non-res.	5,000 sf	60'	100'	45%	45'	5'	20	5'	5'
R-4									
1 fam.	5,000 sf	50'	100'	45% <sup>1</sup>	60'	5'	20'	5'	5'
2 fam.	6,000 sf	60'	100'	45% <sup>1</sup>	60'	5'	20'	5'	5'
Multi	10,000 sf	100'	100'	45% <sup>1</sup>	60'	5'	20'	5'	5'
Non-res.	5,000 sf	50'	100'	45% <sup>1</sup>	60'	5'	20'	5'	5'
C-1	5,000 sf	50'	100'	50%	35'	0'	15'	0'	5'
C-2	N.A.	N.A.	N.A.	100%	N.A. <sup>2</sup>	N.A.	N.A.	N.A.	N.A.
C-3	20,000 sf	120'	120'	60%	60'	20'	30'	20'	15'
I-1	20,000 sf	100'	N.A.	40%	40'	15'	50'	5'	12'
I-2	N.A.	N.A.	N.A.	60%	75'	15'	50'	5'	12'
AMU	20,000 <sup>5</sup>	100' <sup>6</sup>	N.A. <sup>7</sup>	40% <sup>8</sup>	40' <sup>9</sup>	15 <sup>10</sup>	25 <sup>10</sup>	10 <sup>10</sup>	10 <sup>10</sup>
O	2.5 ac.	200'	N.A.	5%	35'	50'	50'	50'	50'
O-1	9 ac.	600'	N.A.	2%	N.A.	100''	100'	100'	100'

<sup>1</sup> R-4 maximum lot coverage varies by building height; for buildings under 40', coverage is 45%; for buildings over 40', coverage is 30%.

<sup>2</sup> C-2 maximum height is unlimited but structures over 6 stories (75') require Board of Appeals approval.

<sup>3</sup> F-A maximum height applies to residential dwelling units only.

<sup>4</sup> Provided that each parcel shall be fronting on a developed public street or road for direct access thereto, and provided that each parcel shall be subject to the maximum density of single-family residential and shall have either municipal sewer or water service available, and shall further comply with all applicable district requirements.

- <sup>5</sup> If parcel is not serviced by public sanitary sewer and water utilities, minimum lot size is 4.5 acres.
- <sup>6</sup> If parcel is not serviced by public sanitary sewer and water utilities, minimum lot width is 300 feet. Said applicable minimum lot width shall front along a highway, street, or local road intended for public use. Such applicable minimum lot widths and minimum lot areas may not be required provided such lots are legally platted in approved Planned Developments.
- <sup>7</sup> No minimum lot depth is required, however such lot depth of the property in question shall be adequate for any principal building or structure, including any accessory building or structure to comply with all applicable minimum setback and maximum lot coverage requirements, and for said property to comply with the applicable minimum lot area requirement.
- <sup>8</sup> If parcel is not serviced by public sanitary sewer and water utilities, such requirement shall be no greater than 10%.
- <sup>9</sup> Principal structures shall not exceed 40 feet; detached accessory buildings shall not be greater than 30 feet, but only where they do not in effect reduce the more restrictive height limits as regulated within the Zones of Section 11.39, Subd. 4. Air Space Obstruction Zoning and Section 11.39, Subd. 5. Land Use Safety Zoning.
- <sup>10</sup> If property in question is not serviced by public sanitary sewer and water utilities, such requirement shall not be less than 50 feet.

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

- <sup>11</sup> The required minimum lot size in the case of 2, 3 and 4 dwellings is 5,000 square feet per dwelling.

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

District	Shoreline Setback <sup>1</sup>		Corner Lot Setback <sup>2</sup>	Front Yard Setback	Road Setback <sup>3</sup>			Setback from R District
	Princ.	Access.			Principal & Minor Arterial	Major Collector	Minor Collector & Local	
F-A	100'	100'			100'	85'	68'	
A-1	75'	75'			110'	85'	68'	
A-R					110'	85'	68'	
R-R					110'	85'	68'	
S-R					110'	85'	68'	
R-1			25'	25'				
R-2			25'	25'				
R-3			25'	25'				
R-4			25' <sup>4</sup>	25' <sup>4</sup>				
C-1			25'	25'				15'
C-2			N.A.	N.A.				10'
C-3			Note <sup>5</sup>		100'	35'	35'	50'
I-1			25'	25'				75'
I-2			25'	25'				75'
AMU			Note <sup>6</sup>		100'	35'	35'	
O					110'	85'	68'	
O-1					110'	85'	68'	

<sup>1</sup> Building setback from ordinary high water mark.

<sup>2</sup> Setback required for both yards abutting streets.

<sup>3</sup> Road setback from centerline of driving surface or 35 feet from right-of-way line, whichever distance is greater.

<sup>4</sup> Plus 1 additional foot for each 2 feet of building height over 40 feet.

<sup>5</sup> Front yard setback (road setback) required for both yards abutting streets.

<sup>6</sup> Applicable minimum front yard setback requirements listed above shall be required for all buildings or structures where both yards of the property in question abut any primary arterial highway, street or road.

#### **Subd.2. Additional dimensional, design, and other requirements.**

##### **A. R-1, R-2, R-3 and R-4 Zone Districts.**

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

1. Accessory buildings, maximum height limits as measured from finished grade. Maximum exterior wall height limit of 10 feet and maximum roof peak height limit of 15 feet are permitted for any detached accessory structure. Exceptions to these maximum heights shall be as follows:

(a) R-1 District. A roof peak height limit of 18 feet shall be permitted provided the minimum linear exterior dimension of such detached accessory structure is not less than 24 feet. A conditional use permit shall be required for any roof peak height exceeding 18 feet provided the minimum linear exterior dimension of said structure is 36 feet. A conditional use permit shall be required for any wall height exceeding 10 feet. NOTE: Approval of any conditional use permit for such roof peak and wall heights may be subject to the attachment of conditions such as but not necessarily limited to requirements for roof and exterior finish, screening, increased setbacks from property lines, placement in back or side yards of the lot, and prohibiting dwelling, commercial, industrial and other land uses from being located within said accessory structure.

(b) R-2, R-3, and R-4 Districts. A roof peak height limit of 18 feet shall be permitted provided the minimum linear exterior dimension of such detached accessory structure is not less than 24 feet.

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

2. Minimum width of Dwelling Units. All dwellings other than manufactured housing in approved manufactured home parks, shall be a minimum of eighteen (18) feet in width.

3. Permanent Foundation. All dwellings other than manufactured housing in approved manufactured home parks, shall be located upon a permanent foundation that meets the requirements of the State Building Code.

4. Detached Accessory Structures. Detached accessory structures as defined and regulated elsewhere in the Chapter and in this subdivision shall be hereafter permitted only where there is an existing principal residential dwelling on the property in question; and where the exterior walls for said structures shall be finished with an unobtrusive color aesthetically compatible with the surrounding neighborhood structures. In any case the use of galvanized finished metal, or any metal lacking a factory finish, or any unfinished materials shall be prohibited for exterior siding or roofing.

B. Business and professional offices in R-4 Zone District. Such uses may be permitted subject to the following conditions:

1. 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.

2. All equipment, including vehicles, associated with such operation shall be placed in acceptable enclosed storage areas.

3. 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.

**C. C-1 Zone District.**

1. Size restricted. Each business establishment is restricted to a maximum of 3,000 square feet in gross floor area.

**2. Storage - Displays.** All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the C-1 District, or within the confines of a one hundred percent (100%) opaque wall or fence not less than 5 feet high. Merchandise which is offered for sale as described heretofore may be temporarily displayed beyond the confines of a building in the C-1 District, but the area occupied by such outdoor display shall not constitute a greater number of square feet than five percent (5%) of the gross main floor area of the building housing the principal use, unless such merchandise is of a type customarily displayed outdoors such as garden supplies.

**3. Production for Sale at Retail.** All products produced on the premises whether primary or incidental, shall be sold at retail on the premises where produced.

**4. Building Design.** All principal commercial buildings, attached or detached accessory buildings which are intended to be used exclusively for non-residential use hereafter constructed in, relocated in, or moved into this district including any additions, renovations/remodeling thereof shall be finished and maintained with exterior walls that are aesthetically compatible and unobtrusive in color with the surrounding residences. In any case the use of galvanized finished metal, or any metal lacking a factory finish, or any unfinished materials shall be prohibited for exterior siding or roofing. Non-corrosive metals such as but not limited to copper may be used for roofing. Exterior wall elevations for said principal building that face a public thoroughfare (i.e. street or highway) shall be finished and maintained with factory fabricated face brick/decorative concrete block, or masonry, or natural stone, or combination thereof integrally affixed to no less than the lowest four feet (4 ft.) of said wall elevation All accessory structures shall be located in the rear half of the property in question and all overhead doors, all openings for maintenance bays and loading docks shall face public alleys or side lot lines.

**D. C-2 Zone District.**

**1. Storage - Displays.** All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the C-2 District, or within the confines of a one hundred percent (100%) opaque wall or screening device.

**2. Exceptions to Off-Street Parking and Loading Requirements.** Up to one hundred percent (100%) of the total required off-street parking spaces may be waived by the Zoning Board of Appeals and Adjustments when in the Zoning Board's opinion adequate off-street

parking capacity exists or will be provided through public parking lots and parking garages within a distance of 400 feet of the building line of such use.

**3. Exterior Building Materials And Design Standards and Establishment Of The C-2a and C-2b Divisions For Additional Standards.** The following standards are intended for the preservation of the established architectural character of the properties and buildings found within the C-2, General Commercial District, and for the protection of private investments and public infrastructure investments within said District as well. For these purposes only, the C-2 District shall include two (2) additional Divisions named and described herein as C-2a, and C-2b. All properties and principal buildings, attached or detached accessory buildings hereafter constructed, relocated in, or moved into the C-2 District, including improvements including, but not limited to, additions, renovations, and remodeling, shall be finished and maintained with exterior walls and roofs that are aesthetically compatible and unobtrusive in color with the surrounding structures. All such buildings and properties shall also be subject to the following minimum standards:

- (a) The building code standards of the Minnesota State Building Code (SBC) shall apply whenever the SBC imposes stricter standards than those in this Chapter.
- (b) Unless otherwise specified herein, no exterior building wall elevation or facade shall be permitted to be sided, covered or finished, nor any existing opening for a window, door, alcove, or vent shall be permitted to be reduced or fully enclosed with the following materials: wood shakes, wood panel sheeting, fiberglass panel sheeting, galvanized finished metal, any steel or similar metal panels or sheeting which may become weakened due to the corrosive affects of the weather, unfinished materials, or any materials not rated as for exterior siding.
- (c) No roof shall be permitted to be covered or finished with materials not in compliance with SBC requirements for commercial buildings nor with wood shakes, wood panel sheeting, fiberglass panel sheeting, any metal unless it is stainless steel, copper or zinc roofing material or has a factory finish which is specifically designed and intended to imitate wood shakes, clay tile or other such variety of roofing material.

- (d) The eave end of any gable roof, gambrel roof, hip roof, or lean-to roof shall not be less than ten (10) feet from any public right-of-way line. The leading edge of any mansard roof including mansard style cap on a parapet wall or designed as a window sill shall not be less than five (5) feet from any public right-of-way line. Roofs shall not be designed in a manner that would allow snow, ice, or water run-off to be shed onto a public street or sidewalk, thereby creating conditions for a public safety hazard.
- (e) All door openings for maintenance bays, loading docks or bays, carwash bays and garage stalls shall be limited to those which face public alleys, secondary side streets, or interior side yard property lines.
- (f) All accessory buildings or uses shall be located behind the principal building or use, in the rear half of the property, or, in the case of corner lots, the half of said property furthest away from a main public thoroughfare.
- (g) (1) C-2a Division. Legal description of the boundaries of properties within the C-2a Division. The boundaries of the C-2a Division, within the zoning classification of the C-2, General Commercial District, shall be delineated on the Official Zoning Map of the City of Hibbing, and described as beginning at a point on the centerline of West Howard Street North of the Westerly property line of Lot 10, Block 9, Western Addition, thence Easterly along said centerline to a point South of the Westerly property line of Lot 20, Block 7, Western Addition, thence North along said property line to the centerline of the public alley, thence Easterly along said centerline to First Avenue, thence progressing Easterly from that point and along the centerline of East 19th Street to the centerline of 5th Ave. East, thence Southerly along said centerline to the centerline of the first public alley North of East Howard Street, thence Easterly along said centerline to the centerline of 8th Ave. East, thence Southerly to the centerline of the first public alley South of East Howard Street, thence Westerly along said centerline to the centerline of the public alley between 5th and 6th Avenues East, thence Southerly along said centerline to the centerline

of East 21st Street, thence Westerly along said centerline to the centerline of the public alley between First and Second Avenues East, thence Southerly along said centerline to the centerline of East 23th Street, thence Westerly along said centerline to the centerline of the public alley between First and Second Avenues West, thence Northerly along said centerline to the centerline of the first public alley South of West Howard Street, thence Westerly along said centerline to a point south of the Westerly property line of Lot 10, Block 9, Western Addition, thence Northerly along said property line to the point of beginning.

(2) Unless otherwise exempted or approved for a conditional use permit, the standards applicable to all such properties and buildings found within said boundaries in addition to those listed in Subd. D, subparagraphs 3.a through 3.f of this Section 11.06 are as follows:

1. All side and rear exterior building walls shall be required to be finished and maintained with natural or artificial masonry materials, brick, or concrete block. In cases where an exterior wall of a building is adjacent to a public street or highway no less than 80 % of such wall shall be required to be finished and maintained with factory fabricated face brick, or decorative concrete block, or natural stone, or masonry product. Further, the other permitted exterior materials for the balance of no more than 20 % of any such building wall shall be limited to include exterior grade stainless steel, copper, zinc, anodized aluminum, or metal panels with a factory coated porcelain finish, or natural wood tongue and groove siding, natural or milled exterior grade wood log facade or log veneer siding provided said wood siding has exterior stain or paint protection (NOTE: any paneled sheeting with a wood product finish, lap siding of any type including the use of materials to achieve a similar design effect shall not be permitted exterior materials). For these purposes the meaning of an exterior building wall shall not mean to include any opening that functions as for windows, doors, glass block, heating/cooling vents or devices. Any factory fabricated or machined/milled materials solely designed as

exterior decorative accent trim for windows, door frames, vents, and soffits, including other minor trim and detail work may be permitted.

2. Other finishing materials for exterior walls that may be permitted to be used in the reduction or full enclosure of any opening for an existing window, door, alcove, or heating/cooling vent or device that would increase the exterior wall area shall aesthetically match the color and material of the existing exterior wall that surrounds such opening.
3. Hip, gable, gambrel, or lean-to roof designs may be permitted for any principal building or addition thereto provided the lowest wall height measures not less than fourteen (14) feet above the finished grade. The eave end of said roofs shall be recessed a distance not less than four (4) feet from the exterior wall (this distance shall be allowed to be figured in with the required minimum ten (10) foot setback from any public right-of-way line for such roofs).
4. Mansard roofs may be permitted, provided the height of the facade thereof as viewed from adjacent property shall not exceed one-third (1/3) of the exterior wall height for each story or floor level under such facade.
5. All exteriors of principal residences, including any accessory building constructed following the adoption of this amendment and thereafter reconstructed, added to, or remodeled shall be finished and maintained with factory fabricated face brick, or decorative concrete block, or natural stone, or masonry product on nothing less than the exposed foundation walls and first story walls, or in the case of split entry buildings the first story and-a-half walls unless stricter building code standards of the SBC per subparagraph D.3.a herein would apply.

- (h) (1) C-2b Division. Legal description of the boundaries of properties within the C-2b Division. The boundaries of the C-2b Division, within the zoning classification of the C-2, General Commercial District, shall be delineated on the Official Zoning Map of the City of Hibbing, and described as beginning at a point where the centerline of 23rd Street intersects

with the centerline of the public alley between First and Second Avenues West, thence Easterly along said centerline of 23rd Street to the centerline of the public alley between First and Second Avenues East, thence Southerly along said centerline to the centerline of East 29th Street, thence Westerly along said centerline to the centerline of First Ave., thence Northerly along said centerline to a point East of the Southerly property line of Lot 27, Block 8, Hibbing Heights Addition, thence Westerly along said property line to the centerline of the public alley between First and Second Avenues West, thence Northerly along said centerline to the centerline of 23rd Street and point of beginning.

(2) Unless otherwise exempted or approved for a conditional use permit, the standards applicable to all such properties and buildings found within said boundaries in addition to those listed in Subd. D, subparagraphs 3.a through 3.f of this Section 11.06 are as follows:

1. In cases where an exterior wall is adjacent to First Avenue no less than 80% of such wall shall be required to be finished and maintained with factory fabricated face brick, or decorative concrete block, or natural stone, or masonry product, or upon the approval of the City Building Official factory simulated masonry material may be substituted. Further, other permitted exterior materials for the balance of no less than 20 % of any such building wall shall be limited to include exterior grade stainless steel, copper, zinc, anodized aluminum, or metal panels with a factory coated porcelain finish, or natural wood tongue and groove siding, natural or milled exterior grade wood log facade, log veneer siding or lap siding provided said wood siding has exterior stain or paint protection (NOTE: any paneled sheeting with a wood product finish shall not be permitted exterior materials). For these purposes the meaning of an exterior building wall shall not mean to include any opening that functions as for windows, doors, glass block, heating/cooling vents or devices. Any factory fabricated or machined/milled materials solely designed as exterior decorative trim for windows, door frames,

vents, and soffits, including other minor trim and detail work may be permitted.

2. Exterior wall opening reductions, or full enclosures, and roof standards of this Division shall include the applicable standards as stipulated in subparagraph D.3.g.2.2 through D.3.g.2.4 of this subdivision.

(I) Conditional Use Permit Required To Approve Alternative Designs For Exterior Building Walls. A conditional use permit, applied for and obtained in accordance with the procedures and standards for such permits, shall be required for alternatives to the exterior wall design requirements for buildings in the C-2a and C-2b Divisions. Upon the application and payment of a fee for a conditional use permit, the Zoning Administrator shall schedule a public hearing to be held by the Planning Commission. Upon closing said hearing, the Planning Commission shall prepare and forward a recommendation to the City Council for final approval or disapproval. Such conditional use permit applications shall be further subject to the following requirements:

1. Approvals of alternatives to the design requirements shall be limited to exterior walls of any building that are adjacent to a public street or highway, or restoration of original exterior walls using the same type of materials or reasonable facsimile for any building or building additions existing at the time of adoption of this amendment which are not listed in this subparagraph D.3 as an exemption.
2. Materials for such alternative designs shall not be limited taking into consideration that innovations will take place and that new materials, which are consistent with permitted materials listed herein, may be approved.
3. The applicant for the conditional use permit shall attach a "Project Description" to said application which shall include the following items: 1) a detailed narrative of the proposed alternative design, specifying the manufacturer's nomenclature and the type of exterior material(s) proposed (e.g. what the material is constructed of), the finished color(s) for all affected exterior walls, exterior doors, windows and

decorative trim; 2) architect's building elevation drawing(s) for each wall of the alternative design illustrated in color as proposed; 3) a site plan shall also be required for any new building construction, expansion or addition.

4. For these purposes the Planning Commission may request input and testimony from any architect licensed or registered in Minnesota (including retired architects), who is not involved or associated with the requested conditional use permit. In any recommendation for City Council approval of a conditional use request, the Commission shall also be required to make findings that it agrees the alternative exterior design, material(s), and color(s) for the proposed project: 1) are compatible with the buildings immediately surrounding it; and 2) will contribute to the preservation of the established architectural character of the properties and buildings found within and surrounding the Division it is located in; and 3) will serve to protect the private and public infrastructure investments within the C-2 District. All three criteria shall be agreed upon in order to forward a recommendation for approval.
5. Nothing shall prevent the City of Hibbing from requiring revisions, or attaching additional conditions to a conditional use permit.

(j) Exemptions from the standards of this subparagraph are as follows:

1. The standards of this subparagraph shall not prohibit or regulate any restoration or rehabilitation of a building or site on the National Register Of Historical Places, or where such a building or site may be officially designated as a Heritage Preservation Site as approved by the Hibbing City Council. This may include buildings or sites officially recognized by the Hibbing Heritage Preservation Commission as Historically Significant Sites.
2. Any existing building originally constructed prior to the adoption of this amendment that was built as a residence may be permitted to have the exterior walls covered or finished

with the same type of exterior siding material as originally used or with a reasonable facsimile thereof, provided the State Building Code (SBC) Project Valuation for any expansion (addition) to such an existing building shall not be greater than 50 % of the market value of the original building at the time such expansion is proposed. This exemption shall not apply to any improvement where stricter building code standards of the SBC per subparagraph D.3.a herein would apply.

3. The standards of this subparagraph shall not prohibit or regulate any marquee, awning, canopy, or sign provided such are in compliance with all applicable permit requirements of the City of Hibbing and applicable standards as for Signs as stipulated in Sec. 11.57 of this Chapter.
4. The temporary covering of any opening using materials not listed herein as permitted may be allowed for security and public safety purposes provided any such material is approved only by the City Building Official. Said Official shall specify a time limit for such temporary covering(s) not to exceed 12 consecutive months where immediately following such covering(s) shall be permanently remedied in compliance with the applicable standards of this subparagraph.

(k) **Severability.** If any section or portion of this paragraph D.3 shall be found unconstitutional or otherwise invalid or unenforceable by a Court of competent jurisdiction, the findings shall not serve as an invalidation or affect the validity and enforceability of any other section or portion of this paragraph D.3.

**E. C-3 Zone District.**

**1. Traffic and Circulation.**

**(a)** All commercial buildings or structures and their accessory uses shall be accessible to and from nearby public streets and sidewalks by driveways and walkways surfaced with a hard, all-weather, durable, dust-free material and properly drained.

**(b)** Vehicular traffic generated by a commercial use shall be channeled and controlled in a manner that will avoid

congestion on the public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic. The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the Planning Commission who may require such additional measures for traffic control as it may deem necessary, including but not limited to the following: Directional signalization, channelization, standby turn lanes, illumination, and storage area and distribution facilities within the commercial site to prevent back-up of vehicles on public street.

**(c)** No area used by motor vehicles other than driveways serving as ingress and egress to the commercial site shall be located within the public right-of-way.

**(d)** Wherever possible, the placement of structures in the C-3 District shall be such that a service or frontage road may be constructed yet retain sufficient lot area for parking and internal vehicular circulation.

**(e)** All driveways to or from public streets shall be subject to the following restrictions:

Driveway Widths: Back of curb to back of curb.	
Type	Minimum Width
One-way	12 feet
Two-way	24 feet

**Maximum Driveway Width at Street Curb:** Thirty (30) feet, measured along street curb lines.

**Minimum Driveway Angle to Street:** Thirty (30) degrees when street is one way or divided, otherwise sixty (60) degrees.

**Minimum Distance Between Driveways:** Twenty (20) feet, between curb ends measured along street curb line.

<b>If the Driveway enters a street classified as a:</b>	<b>and the intersecting street is classified as a:</b>	<b>and driveway enters land approaching or leaving intersection</b>	
		<b>Approach Leaving*</b>	
Local Street	Local Street, Collector Street or Minor Arterial	15 ft.	15 ft.
	Principal Arterial	20 ft.	15 ft.
Collector Street	Local Street	20 ft.	15 ft.
	Collector		
	Principal Arterial	25 ft.	15 ft.
	Minor Arterial		
Principal Arterial	Principal Arterial	35 ft.	20 ft.
	Local Street	20 ft.	15 ft.
	Collector		
	Principal Arterial	25 ft.	15 ft.
	Minor Arterial		
	Expressway ramp	40 ft.	200 ft.

\* NOTE: Minimum distance to be the same as that specified for approaching lane if left turns are permitted into or out of driveway.

**2. Screening.** All principal, accessory and conditional uses, except business signs, which are situated within 50 feet of a Residential District, shall be screened and buffered from such district by a land separation of open space which shall have a minimum depth of 30 feet and shall include a required wall or fence of not less than ninety percent (90%) opacity and not less than 5 nor more than 7 feet in height above the level of the Residential District property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the Zoning Board of Appeals and Adjustments if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will adequately promote and protect the use and enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Chapter would interfere with the provision of adequate amounts of light and air to same said properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

**3. Landscaping.** All exposed ground areas surrounding or within a principal or accessory use including street boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other ornamental

landscape materials. All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.

**4. Storage - Displays.** All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the C-3 District, or within the confines of a one hundred percent (100%) opaque wall or fence not less than 5 feet high. Merchandise which is offered for sale as described heretofore may be displayed beyond the confines of a building in the C-3 District, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent (10%) of the ground floor area of the building housing the principal use, unless such merchandise is of a type customarily displayed outdoors such as garden supplies.

**F. I-1 Zone District.**

**1. Landscaping.** All open areas of any site, lot, tract or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives or storage, shall be landscaped with trees, shrubs or planted ground cover. Such landscaping shall conform with the planting plan approved at the time the building permit was issued. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well-kept condition. All adjacent vacant lots, tracts or parcels under the same ownership shall also be properly maintained.

**2. Storage.** All raw materials, supplies, finished or semi-finished products and equipment shall be stored within a completely enclosed building or within the confines of a one hundred percent (100%) opaque wall or fence not less than 5 feet high. However, motor vehicles necessary to the operation of the principal use and of not more than three-quarter ton capacity may be stored within the permitted parking lot areas.

**3. Building Design and Construction.** Any building or structure within the I-1 Light Industrial District shall meet the following design standards:

- (a) All exterior wall finishes on any building shall be any single one or combination of the following:
  1. Face brick.
  2. Natural stone.
  3. Specially designed precast concrete units if the surfaces have been integrally treated

with an applied decorative material or texture.

4. Factory fabricated and finished metal framed panel construction, if the panel materials be any of those named above, glass, prefinished metal (other than unpainted galvanized iron), or plastic.
5. Other materials as may be recommended by the Planning Commission.

- (b) Any subsequent addition and accessory building constructed with different materials and different forms of principal structural support from the original building(s) shall have a factory finished exterior that is architecturally designed to be aesthetically compatible with the original building(s) and the character of the surrounding industrial development. Said construction and architectural design information shall be submitted as part of the preliminary and final construction plans for any building/zoning permit application. Structural design information of the original building(s) may be required to be submitted with the preliminary and final construction plans that are filed with the building/zoning permit application for any addition and accessory building.

4. Screening. All principal, accessory and conditional uses, except business signs, which are situated within 75 feet of a Residential District, shall be screened and buffered from such district by a separation of open space which shall have a minimum depth of 30 feet and shall include a required fence or vegetative screening of not less than ninety percent (90%) opacity and not less than 5 nor more than 7 feet in height above the level of the Residential District property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the Zoning Board of Appeals and Adjustments if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will adequately promote and protect the use and enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Chapter would interfere with the provision of adequate amounts of light and air to same said properties. Loading docks in the I-1 Industrial District shall be screened so as not to be visible from any public street right-of-way within a Residential District. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

**G. I-2 Zone District.**

1. Landscaping. The requirements for the I-1 zone district in Subd. 3.F.1 herein shall apply in the I-2 zone district.

2. Storage. The requirements for the I-1 zone district in Subd. 3.F.2 herein shall apply in the I-2 zone district.

3. Screening. The requirements for the I-1 zone district in Subd. 3.F.4 herein shall apply in the I-2 zone district.

**H. AMU-P Zone District**

1. Buffer area. Unless exempted from these requirements, all land uses including buildings, parking lots/ramps and areas used for storage but are not within the confines of a completely enclosed building in the AMU-P, District, including properties for "General Uses" shall be separated by a buffer area of undeveloped land that is not less than 150 feet from adjacent zoning districts or properties of existing non-conforming residents which are within the boundaries of the A-R, Agricultural-Rural Residential District. Uses exempted from the buffer area requirement are specified as follows: livestock pasturing, hay and wild crop harvesting, open space uses, public utility corridors including related facilities and buildings/structures, publically owned recreational fields (i.e. open fields and parking areas for community and public recreational uses), and approved special events or activities. Also exempted from the buffer area requirement are any general, permitted and conditional use of the AMU-P, District where the front yard (or corner lot) of said use is separated from any other adjacent zoning district, or any non-conforming properties and buildings/structures within this District by a highway, street or road.

2. Public waters. Any general, permitted or conditional use in this District within 1000 feet of a lake, river or stream designated by the DNR as a Public Water shall be subject to the regulations of this Section, however where said distance is 300 feet or less and the applicable setback, height, erosion control, screening and distance requirements of the Shoreland Management District in Chapter 16 of the City Code are more restrictive, the more restrictive requirements shall prevail.

3. Accessory uses, buildings or structures. An accessory use, building or structure is defined here as that which is customarily incidental to a fully maintained and functioning principal use, building or structure, and is located on the same lot therewith. Such accessory use, building or structure shall include but not necessarily be limited to aircraft hangers, warehouses or specialized freight and yard equipment structures, vehicle and maintenance

equipment storage structures, private utility structures, secondary processing structures and similar specialized structures.

**4.** Storage, screening, off-street parking, and landscaping. A site plan for any building or zoning permit shall be required to include design details for storage, wall or fence with or without screening, off-street parking, and landscaping. The Building Department shall have the authority to approve/disapprove all such design details, order or approve changes to the site plan as necessary for permit compliance. Standards for off-Street Parking found in Sec. 11.51 of this Chapter shall apply. Except for parking lot, loading and driveway surfaces no less than 35 feet of the front yard (or corner lot) and 15 feet of the side yard(s) of the principal structure shall be landscaped with grass, shrubs or other similar landscaping materials. Property and landscaping shall be kept neat, clean and uncluttered. Storage area, wall or fence with or without screening, off-street parking, and landscaping shall be installed as part of the initial construction prior to the issuance of a Certificate of Occupancy or Zoning. Storage and screening standards are as follows:

- (a) Storage of all vehicles, aircraft, equipment, including but not limited to all raw materials, supplies, new or used parts, finished or unfinished products shall be within the confines of a completely enclosed building or within the confines of a wall or chainlink fence which is not less than six (6) feet high, but not higher than twelve (12) feet. Where any such wall or chainlink fence, or portion thereof is less than 100 feet from any primary arterial highway, or any adjoining zoning district to the AMU-P, District said wall or fence, or portion thereof shall consist of 100% opacity for screening purposes. Such wall or fence screening shall be required where said storage not confined within a completely enclosed building is less than 50 feet from any common side or rear property lines with adjoining properties (buffer area requirements of this Section may supercede these requirements if adjoining properties are in different zoning districts). This regulation shall not apply to merchandise for direct on-site sales or rental, any duly approved parking lot or ramp solely intended for transient parking uses by visitors, customers, and employees of such general, permitted or conditional uses of this District.

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

(Sections 11.07 through 11.19, inclusive, reserved for future expansion.)

(Pages 486 through 494 reserved)

**SEC. 11.20. F-A FORESTRY-AGRICULTURE DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.21. A-1 AGRICULTURAL DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.22. A-R AGRICULTURAL-RURAL RESIDENTIAL DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.23. R-R RURAL-RESIDENTIAL DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.24. S-R SUBURBAN RESIDENTIAL DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.25. R-1 SINGLE FAMILY RESIDENCE DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.26. R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.27. R-3 MULTIPLE FAMILY RESIDENCE DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.28. R-4 MULTIPLE FAMILY RESIDENCE DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.29. C-1 NEIGHBORHOOD CONVENIENCE COMMERCIAL DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.30. C-2 GENERAL COMMERCIAL DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.31. C-3 HIGHWAY SERVICE COMMERCIAL DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.32. I-1 LIGHT INDUSTRY DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.33. I-2 GENERAL INDUSTRY DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.34. O - OPEN SPACE DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.35. O-1 OPEN SPACE DISTRICT.**

(Repealed by Ordinance No. 338, 2nd Series, adopted 10-7-2007. This information has been revised and/or re-stated in Sections 11.04, 11.05 and 11.06.)

**SEC. 11.36. W-1 NATURAL ENVIRONMENT LAKES AND STREAMS DISTRICT.** (Repealed by Ordinance No. 254, 2nd Series, adopted 2-16-1999.)

**SEC. 11.37. W-2 RECREATIONAL DEVELOPMENT DISTRICT.** (Repealed by Ordinance No. 254, 2nd Series, adopted 2-16-1999.)

**SEC. 11.38. W-3 GENERAL DEVELOPMENT DISTRICT.** (Repealed by Ordinance No. 254, 2nd Series, adopted 2-16-1999.)

**SEC. 11.39. CHISHOLM-HIBBING AIRPORT ZONING ORDINANCE.**

**Subd. 1. Purpose And Authority.** The City Council of the City of Hibbing pursuant to the provisions and authority of Minnesota Statutes 360.063, hereby finds and declares that:

**A.** An airport hazard endangers the lives and property of users of the Chisholm-Hibbing Airport, and property or occupants of land in its vicinity, and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Chisholm-Hibbing Airport and the public investment therein.

**B.** The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Chisholm-Hibbing Airport.

**C.** For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.

**D.** The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

**E.** The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds.

**Subd. 2. Short Title.** This Section shall be known as "Chisholm-Hibbing Airport Zoning Ordinance". Those sections of land affected by this Section are indicated in "Exhibit A" which is attached to this Section.

**Subd. 3. Definitions.** As used in this Section, unless the context otherwise requires:

"AIRPORT" means the Chisholm-Hibbing Airport located in parts of Section 26, Township 57, Range 20, in the City of Hibbing, St. Louis County, Minnesota.

"AIRPORT ELEVATION" means the established elevation of the highest point on the usable landing area which elevation is established to be 1,353 feet above mean sea level.

"AIRPORT HAZARD" means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

"COMMISSIONER" means the Commissioner of the Minnesota Department of Transportation.

"DWELLING" means any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

"HEIGHT" for the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"LANDING AREA" means the area of the airport used for the landing, taking off or taxiing of aircraft.

"LOW DENSITY RESIDENTIAL STRUCTURE" means a single-family or two-family home.

"LOW DENSITY RESIDENTIAL LOT" means a single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residences.

"NONCONFORMING USE" means any preexisting structure, tree, natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment hereto.

"NON-PRECISION INSTRUMENT RUNWAY" means a runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document.

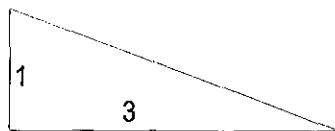
"PERSON" means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

"PLANNED", as used in this Section, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, MN/DOT, Office of Aeronautics, and the Chisholm-Hibbing Airport Authority.

**"PRECISION INSTRUMENT RUNWAY"** means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

**"RUNWAY"** means any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

**"SLOPE"** means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.



slope = 3:1 = 3 feet horizontal to 1 foot vertical

**"STRUCTURE"** means an object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, and overhead transmission lines.

**"TRAVERSE WAYS"** for the purposes of determining height limits as set forth in this Section shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned an amount equal to the height of the highest mobile object that would normally traverse it.

**"TREE"** means any object of natural growth.

**"UTILITY RUNWAY"** means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

**"VISUAL RUNWAY"** means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

**"WATER SURFACES"**, for the purpose of this Section, shall have the same meaning as land for the establishment of protected zones.

#### **Subd. 4. Airspace Obstruction Zoning.**

**A. Airspace Zones.** In order to carry out the purposes of this Section, as set forth above, the following airspace zones are hereby

established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone and whose locations and dimensions are as follows:

1. Primary Zone: All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and:

- a. extending 200 feet beyond each end of Runway 13/31 and Runway 4/22.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

- b. 1000 feet for Runway 13/31.
- c. 500 feet for Runway 4/22.

2. Horizontal Zone: All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,503 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- a. 10,000 feet for Runway 13/31.
- b. 6,000 feet for Runway 4/22.

When a 6,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 6,000 foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.

3. Conical Zone: All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.

4. Approach Zone: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of:

- a. 20:1 for Runway 4/22.

The approach surface expands uniformly to a width of:

b. 2,250 feet for Runway 4/22 at a distance of 5,000 feet to the periphery of the conical surface.

5. Precision Instrument Approach Zone: All that land which lies directly under an imaginary precision instrument approach surface longitudinally centered on the extended centerline at each end of Runway 13/31, a precision instrument runway. The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward at a slope of 50:1 for a horizontal distance of 10,000 feet expanding uniformly to a width of 4,000, then continues upward and outward for an additional horizontal distance of 40,000 feet at a slope of 40:1 expanding uniformly to an ultimate width of 16,000 feet.

6. Transitional Zone: All that land which lies directly under an imaginary surface extending upward and outward at right angles to the runway centerline and centerline extended at a slope of 7:1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. Transitional surfaces for those portions of the precision instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the precision instrument approach surface and at right angles to the extended precision instrument runway centerline.

**B. Height Restrictions:** Except as otherwise provided in this Section, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Subd. 4. A. so as to project above any of the imaginary airspace surfaces described in said Subd. 4. A. hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

**C. Boundary Limitations:** The airspace obstruction height zoning restrictions set forth in this section shall apply for a distance not to exceed one and one half miles beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the approach zone for a distance not exceeding two miles from the airport boundary.

#### **Subd. 5. Land Use Safety Zoning**

**A. Safety Zone Boundaries:** In order to carry out the purpose of this Section, as set forth above and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Chisholm-Hibbing Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

1. Safety Zone A: All land in that portion of the approach zones of a runway, as defined in Subd. 4.A. hereof, which extends outward from the end of the primary surface a distance equal to two-thirds of the planned length of the runway, which distance shall be:

a. 5,000 for Runway 13/31

b. 2,050 for Runway 4/22.

2. Safety Zone B: All land in that portion of the approach zones of a runway, as defined in Subd. 4.A. hereof, which extends outward from Safety Zone A a distance equal to one-third of the planned length of the runway, which distance shall be:

a. 2,500 for Runway 13/31.

b. 1,025 for Runway 4/22.

3. Safety Zone C: All that land which is enclosed within the perimeter of the horizontal zone, as defined in Subd. 4. A. hereof, and which is not included in Zone A or Zone B.

#### **B. Use Restrictions.**

1. General: Subject at all times to the height restrictions set forth in Subd. 4. B., no use shall be made of any land in any of the safety zones defined in Subd. 5. A. which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. Zone A: Subject at all times to the height restrictions set forth in Subd. 4. B. and to the general restrictions contained in Subd. 5. B. 1. areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar aboveground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (nonspectator), cemeteries, and automobile parking.

3. Zone B: Subject at all times to the height restrictions set forth in Subd. 4. B., and to the general restrictions contained in Subd. 5. B. 1., areas designated as Zone B shall be restricted in use as follows:

- a. Each use shall be on a site whose area shall not be less than three acres or such larger area as may be required by this Section.
- b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.
- c. Each site shall have no more than one building plot upon which any number of structures may be erected.
- d. A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area at Least (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (Sq. Ft.)	Max. Site Population (15 persons/A)
3	4	12:1	10,900	45
		12:1		
4	6	10:1	17,400	60
		10:1		
6	10	8:1	32,700	90
		8:1		
10	20	6:1	72,600	150
		6:1		
20	and up	4:1	218,000	300

- e. The following uses are specifically prohibited in Zone B: Churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of frequent public or semi-public assembly.

4. Zone C: Zone C is subject only to height restrictions set forth in Subd. 4. B., and to the general restrictions contained in Subd. 5. B. 1.

**C. Boundary Limitations:** The land use zoning restrictions set forth in this section shall apply for a distance not to exceed one mile beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the approach zone for a distance not exceeding two miles from the airport boundary.

**Subd. 6. Airport Zoning Map.** The several zones herein established are shown on the Chisholm-Hibbing Airport Zoning Map consisting of 2 sheets, prepared by Short-Elliott-Hendrickson (SEH), Inc., and dated August 13, 2005, attached hereto and made a part

hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Section.

**Subd. 7. Nonconforming Uses. Regulations not retroactive.** The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section, and is diligently prosecuted and completed within two years thereof.

**Subd. 8. Permits.**

**A. Future Uses:** Except as specifically provided in paragraph 1 and 2 hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the zoning administrator, hereinafter, provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

1. However, a permit for a tree or structure less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height or land use limit prescribed for the respective zone.
2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by this Section as set forth in Subd. 4. and the land use limitations set forth in Subd. 5.

**B. Existing Uses:** Before any existing use or structure may be replaced, substantially altered or impaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendments thereto, or than it is when the application for a

permit is made. Except as indicated, all applications for such a permit shall be granted.

**C. Nonconforming Uses Abandoned or Destroyed:** Whenever the zoning administrator determines that a nonconforming structure or tree has been abandoned or more than 80% torn down, deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit under this paragraph or not, the zoning administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at his own expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this Section. In the event the owner of the nonconforming structure shall neglect or refuse to comply with such order for ten days after receipt of written notice of such order, the zoning administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within ninety days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of eight per cent per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

**Subd. 9. Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Section may apply to the Board of Adjustment, hereinafter provided for, for a variance from such regulations. If a person submits an application for a variance by certified mail to the members of the Board and the Board fails to grant or deny the variance within four months after the last member receives the application, the variance shall be deemed to be granted by the Board. When the variance is granted by reason of the failure of the Board to act on the variance, the person receiving the variance shall notify the Board and the Commissioner by certified mail that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the Commissioner. The variance shall be effective 60 days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Section 360.063, Subdivision 6a. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this Section, provided any variance so allowed may be subject to any reasonable conditions that the Board or Commissioner may deem necessary to effectuate the purpose of this Section.

**Subd. 10. Hazard Marking and Lighting.**

**A. Nonconforming Uses:** The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the zoning administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Chisholm-Hibbing Airport Authority.

**B. Permits and Variances:** Any permit or variance deemed advisable to effectuate the purpose of this Section and be reasonable to effectuate the purpose of this Section and be reasonable in the circumstances, and granted by the zoning administrator or Board, shall require the owner of the structure or tree in question, at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

**Subd. 11. Conflicts.** Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

**Subd. 12. Severability.**

**A.** In any case in which the provision of this Section, although generally reasonable, is held by a court to interfere with the use of enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of this Section as to other structures and parcels of land, and to this end the provisions of this Section are declared to be severable.

**B.** Should any section or provision of this Section be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Section as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

Source: Ordinance No. 323, 2nd Series  
Effective date: 03-01-2006

**SECTION 11.40. AMU-P AIRPORT MULTIPLE USE PARK DISTRICT.**

**Subd. 1. General Uses.** The following are general uses on the property of the Chisholm-Hibbing Airport which may be granted under the Airport Authority. Said general uses as regulated by this Section

are also subject to the regulations of this Chapter, including the applicable regulations and permitting requirements of Federal, State and Local governmental authorities.

**A.** Principal and accessory uses related to aviation transportation (airport) terminals, offices, airfields, commercial airline hangers, and all related operations and maintenance facilities.

**B.** Hangers owned by the Airport Authority which may be offered for private use.

**C.** Airport terminal parking lot/ramp.

**D.** 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.

**E.** Special events and activities.

**Subd. 2. AMU-P, Airport Multiple Use Park District.** Any use of property, including any improvement thereto shall first require an executed agreement with the Airport Authority, except where any such use or improvement in compliance with the regulations of this Section is for private property (not owned by or leased from the Airport Authority). In any case the Building Department may request Airport Authority advice or assistance when there is a question of enforcement of this Section.

**A. Permitted Uses.** The following uses shall be permitted in the AMU-P District (unless otherwise listed in Section 11.39 as prohibited) and are subject to the regulations of Section 11.39, and those of this Chapter. Said uses are further subject to the applicable regulations and permitting requirements of Federal, State and Local governmental authorities as well.

**1.** Automobile rental facilities.

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

**3.** Aviation related manufacturing, fabricating, assembling, warehousing, and sales.

**4.** Commercial ground shipping transportation terminals and warehousing facilities, including over the road trucking businesses.

**5.** 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.

6. Publically owned parking ramps/lots. Off-street parking lots and loading facilities incidental to any approved principal use as for permitted uses or conditional uses subject to the regulations for such uses as stipulated in Sec. 11.51 of this Chapter.

7. Signs shall be subject to the "Signs Permitted in other Commercial and Industrial Districts" regulations as applicable, including other applicable regulations as stipulated in Sec. 11.57 of this Chapter.

8. Accessory buildings or structures, or uses customarily incidental to the principal use, building or structure as regulated in this Section for any general or permitted use, or any duly approved use, building or structure as for a conditional use.

9. Livestock pasturing, hay and wild crop harvesting provided there are no buildings or other structures.

**B. Conditional Uses.** The following AMU-P District uses shall be considered as for principal uses and are subject to the regulations of Section 11.39, and those of this Chapter. Said uses shall (unless otherwise listed in Section 11.39 as prohibited) also require an approved conditional use permit in conformance with the regulations and procedures for conditional uses as stipulated in Section 11.73. Conditional Uses of this Chapter, and further are subject to the applicable regulations and permitting requirements of Federal, State and Local governmental authorities as well.

1. Commercially or publically owned outdoor/indoor recreational uses, buildings, fields, including related facilities.

2. Light industry manufacturing, fabricating, assembling, warehousing, or wholesale businesses.

3. Automobile sales and service, including any related repair shops.

4. Automobile service stations, convenience stores, car wash establishments.

5. Shopping centers, plazas, outlet malls, grocery stores.

6. Retail shops larger than 10,000 square feet (NOTE: commercial eating or drinking establishments are not to be included here).

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

8. Short and long term storage facilities (not including aircraft hangers).

9. Motel or hotel facilities.

10. Privately operated or owned parking ramps/lots.

11. 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.

12. Any building or structure not to exceed 10,000 square feet (including addition, enlargement, replacement/ relocation of existing) for open space uses, including livestock pasturing, hay and wild crop harvesting.

Source: Ordinance No. 329, 2nd Series  
Effective Date: 12-14-2006

13. Animal shelter of a non-profit Humane Society organization per Section 11.61.

Source: Ordinance No. 333, 2nd Series  
Effective Date: 4-14-2007

**Subd. 3. Accessory Uses, Buildings Or Structures.** Accessory uses, buildings or structures may not exist as principal uses, buildings or structures in their own stead. Such accessory uses, buildings or structures, either attached to a principal building or structure, or detached, may be permitted in the following manner when auxiliary to any principal use, building or structure as defined in this Chapter and noted above as a general or permitted use, or as a duly approved conditional use:

**A.** An accessory use, building or structure is defined here as that which is customarily incidental to a fully maintained and functioning principal use, building or structure, and is located on the same lot therewith. Such accessory use, building or structure shall include but not necessarily be limited to aircraft hangers, warehouses or specialized freight and yard equipment structures, vehicle and maintenance equipment storage structures, private utility structures, secondary processing structures and similar specialized structures.

**Subd. 4. Storage, Screening, Off-Street Parking, And Landscaping.** A site plan for any building or zoning permit shall be required to include design details for storage, wall or fence with or without screening, off-street parking, and landscaping. The Building Department shall have the authority to approve/disapprove all such design details, order or approve changes to the site plan as necessary for permit compliance. Standards for off-Street Parking found in

Sec. 11.51 of this Chapter shall apply. Except for parking lot, loading and driveway surfaces no less than 35 feet of the front yard (or corner lot) and 15 feet of the side yard(s) of the principal structure shall be landscaped with grass, shrubs or other similar landscaping materials. Property and landscaping shall be kept neat, clean and uncluttered. Storage area, wall or fence with or without screening, off-street parking, and landscaping shall be installed as part of the initial construction prior to the issuance of a Certificate of Occupancy or Zoning. Storage and screening standards are as follows:

**A.** Storage of all vehicles, aircraft, equipment, including but not limited to all raw materials, supplies, new or used parts, finished or unfinished products shall be within the confines of a completely enclosed building or within the confines of a wall or chainlink fence which is not less than six (6) feet high, but not higher than twelve (12) feet. Where any such wall or chainlink fence, or portion thereof is less than 100 feet from any primary arterial highway, or any adjoining zoning district to the AMU-P, District said wall or fence, or portion thereof shall consist of 100% opacity for screening purposes. Such wall or fence screening shall be required where said storage not confined within a completely enclosed building is less than 50 feet from any common side or rear property lines with adjoining properties (buffer area requirements of this Section may supercede these requirements if adjoining properties are in different zoning districts). This regulation shall not apply to merchandise for direct on-site sales or rental, any duly approved parking lot or ramp solely intended for transient parking uses by visitors, customers, and employees of such general, permitted or conditional uses of this District.

**Subd. 5. Requirements.** The following requirements shall be observed for all lots and uses in the AMU-P District, and general uses where noted:

**A. Minimum lot area:** each lot shall be no less than 20,000 square feet in area where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 4.5 acres.

**B. Minimum lot width:** each lot shall be no less than 100 feet wide where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 300 feet. Said applicable minimum lot width shall front along a highway, street, or local road intended for public use. Such applicable minimum lot widths and minimum lot areas may not be required provided such lots are legally platted in approved Planned Developments.

**C. Minimum lot depth:** no requirement stipulated, however such lot depth of the property in question shall be adequate for any principal building or structure, including any accessory building or structure to comply with all applicable minimum setback and maximum lot coverage requirements, and for said property to comply with the applicable minimum lot area requirement.

**D. Maximum lot coverage allowed:** no greater than 40% of the property in question shall be covered with principal and accessory buildings/structures where it is serviced by public sanitary sewer and water utilities, otherwise such requirement shall be no greater than 10%.

**E. Maximum height limits:** principal buildings shall not be greater than 40 feet; detached accessory buildings shall not be greater than 30 feet, but only where they do not in effect reduce the more restrictive height limits as regulated within the Zones of Section 11.39, Subd. 4. Air Space Obstruction Zoning and Section 11.39, Subd 5. Land Use Safety Zoning.

**F. Lot line setbacks:** minimum distances from building/structure line to property line (property lines along public highways, road, streets, and alleys are also known as right-of-way lines); (Note: Setbacks from any protected (public) water (lake, river/stream) shall comply with the minimum Ordinary High Water Level [OHWL] setback requirements applicable for any lake, river/stream regulated in Chapter 16: Shoreland Management of this Ordinance shall be observed for any building/structure.); (\*buffer area requirements are stricter than lot line setbacks and shall be observed as stipulated below). Lot line setbacks and buffer area are as follows:

**1. Minimum front yard setback:** all buildings/structures shall be setback from the right-of-way line of any primary arterial highway or road no less than 100 feet; all other street or road right-of-way lines no less than 35 feet.

**2. Minimum side yard setbacks:**

- (a)** Principal building or structure shall not be less than 15 feet where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 50 feet.
- (b)** Detached accessory building or structure shall not be less than 10 feet where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 50 feet.

**3. Minimum rear yard setback:**

- (a)** Principal building or structure shall not be less than 25 feet where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 50 feet.
- (b)** Detached accessory building or structure shall not be less than 10 feet where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 50 feet.

**4. Minimum corner lot setbacks:** applicable minimum front yard setback requirements listed above shall be required for all buildings or structures where both yards of the property in question abut any primary arterial highway, street or road.

**5. Buffer area.** Unless exempted from these requirements, all land uses including buildings, parking lots/ramps and areas used for storage but are not within the confines of a completely enclosed building in the AMU-P, District, including properties for "General Uses" shall be separated by a buffer area of undeveloped land that is not less than 150 feet from adjacent zoning districts or properties of existing non-conforming residents which are within the boundaries of the A-R, Agricultural-Rural Residential District. Uses exempted from the buffer area requirement are specified as follows: livestock pasturing, hay and wild crop harvesting, open space uses, public utility corridors including related facilities and buildings/structures, publically owned recreational fields (i.e. open fields and parking areas for community and public recreational uses), and approved special events or activities. Also exempted from the buffer area requirement are any general, permitted and conditional use of the AMU-P, District where the front yard (or corner lot) of said use is separated from any other adjacent zoning district, or any non-conforming properties and buildings/structures within this District by a highway, street or road.

**6. Public Waters.** Any general, permitted or conditional use in this District within 1000 feet of a lake, river or stream designated by the DNR as a Public Water shall be subject to the regulations of this Section, however where said distance is 300 feet or less and the applicable setback, height, erosion control, screening and distance requirements of the Shoreland Management District in Chapter 16 of this Ordinance are more restrictive, the more restrictive requirements shall prevail.

Source: Ordinance No. 329, 2nd Series  
Effective Date: 12-14-2006

(Sections 11.41 through 11.49, inclusive, reserved for future expansion.)

(Pages 513 through 518 reserved)

**SEC. 11.50. SPECIAL PROVISION: PD PLANNED DEVELOPMENT DISTRICT.**

**Subd. 1. Purpose.** 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 ordinance 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.

**Subd. 2. Requirements.**

**A. Ownership:** The tract shall be a development of land under unified control at the time of application, planned and scheduled to be developed as a whole. However, no authorizations or permits shall be granted for such development unless the applicant has acquired actual ownership of, or executed a binding sales contract for all of the property comprising such tract. For purposes of this Section, ownership shall include a lease of not less than fifty (50) years duration. The term "single ownership" shall include ownership of portions of such development by two or more wholly owned subsidiaries of a single owner, or by such single owner and one or more of its wholly owned subsidiaries.

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

**B. Minimum Size:** There is no minimum size for a planned development.

Source: Ordinance No. 344, 2nd Series  
Effective Date: 2-2-2008

**C. Maximum Development Intensity:** No more than fifty percent (50%) of the gross land area of the subject tract may be developed (covered) with principal and accessory uses.

**D. Comprehensive Plan:** The development should be planned so that it is consistent with the comprehensive plan for the community.

**E. Harmony:** The planned unit development should be planned and developed to harmonize with any existing or imminent development in the area surrounding the project site.

**F. Financing:** The financing for the project should be proven to be available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development.

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

**G. Permitted Uses:** See listing of permitted uses in Section 11.05 of this Chapter.

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

**H. Open Space:** A minimum of twenty percent (20%) for open air recreational uses and other usable and landscaped open spaces shall be made an integral part of the plan. Such space should be effectively separated from automobile traffic and parking and be readily accessible; the term "open space" shall not include space devoted to streets and parking.

**I. Density:** For planned residential developments proposed in existing residential zones, a maximum increase in density of one hundred percent (100%) may be allowed based on Planning Commission and staff evaluation of design excellence, landscaping and distinctiveness in siting. The actual amount of density increase shall be a matter of negotiation between the City and landowner following review of the preliminary plan in which an initial density is proposed. In recognizing that the planned unit development process is designed to encourage flexibility and innovative planning and design exercises, it becomes a matter of benefit to both landowner and community to agree upon an appropriate density having economic, aesthetic and practical value. It is intended that the City be the arbiter in all cases where density increase is proposed.

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

### **Subd. 3. Procedure.**

#### **A. Preliminary Development Plan, Preliminary Plat and Re-Zone Request; Filing.**

1. An applicant for a planned unit development shall simultaneously submit a preliminary development plan, a preliminary plat and a request to re-zone the property in question to PD Planned Development to the Planning Commission, with a written statement and a fee for costs incurred by the City in checking and processing such plans and plats. Such application shall be signed by the owner(s) of every property within the boundaries of the proposed planned unit development.

2. The drawings which are part of the preliminary development plan, preliminary plat and re-zoning request may be in general schematic form, and must contain the following information:

Source: Ordinance No. 344, 2nd Series  
Effective Date: 2-2-2008

(a) Location and size of the site and nature of the landowner's interest in the land to be developed.

(b) The density of the land use to be allocated to the several parts of the site to be developed.

(c) The location and size of any common open space and the form of organization proposed to own and maintain such space.

(d) The use and approximate height, bulk, and location of buildings and other structures.

(e) Proposals for the distribution of sanitary wastes and storm water.

(f) Provisions for parking of vehicles and location and width of proposed streets and public ways.

(g) In case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit development are intended to be filed.

(h) A topographic map of the subject property or properties, prepared by a registered civil engineer or licensed land surveyor, covering the entire tract proposed for development and indicating existing conditions and development for an additional area including at least 300 feet from tract boundaries. Such map shall be drawn at a scale no smaller than 100' = 1", shall indicate topography at two-foot contour intervals and show in accurate detail the topography, existing buildings, and existing land features and trees.

3. The written statement which is a part of such application shall include:

(a) A description of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.

(b) A statement of proposed financing with supporting documentation sufficient to provide evidence that financial resources have been committed to complete the stage(s) of the planned development currently under consideration.

**(c)** Economic feasibility analysis of any commercial uses, if the property is not zoned for similar commercial uses at the time of submittal of the preliminary development plans.

**(d)** A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures and open space.

**(e)** Total anticipated population to occupy the planned unit development, with breakdowns as to the number of school-age children, adults and families.

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

**(f)** Any additional information as required by Section 11.74, Subd. 3.

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

**B. The Preliminary Development Plan, Preliminary Plat and Re-Zone Request; Approval.** The procedural and timing requirements of Section 11.74, Subd. 3, and Section 12.10, Subd. 3, shall be modified to coincide with those listed herein.

1. Within forty-five (45) days after the receipt of the application by the Planning Commission, a public hearing for the preliminary development plan, the preliminary plat and the re-zone request shall be held by the Planning Commission. The Commission may continue the hearing from time to time and refer the matter back to the planning staff of the City for a further report; provided, however, the public hearing or hearings shall be concluded within forty-five (45) days after the date of the first public hearing, unless the landowner shall consent in writing to an extension of the time within which the hearings shall be concluded.

2. The City shall forward a copy of the preliminary development plans and preliminary plat to the Minnesota Department of Natural Resources for review prior to City action.

3. Within fifteen (15) days after the conclusion of public hearings, the Planning Commission shall forward the preliminary development plan, the preliminary plat and the re-zone request to the Council with a written staff report recommending that the plan, the plat and the re-zone request be disapproved, approved, or approved with modifications, and giving the reasons for these recommendations.

4. In the event tentative approval is granted subject to conditions, the landowner shall, within forty-five (45) days after receiving a copy of written resolution of the Council, notify the Council of the acceptance or refusal to accept all said conditions. Refusal of the landowner shall constitute denial of the plans, the plat and the re-zone request by the Council. Failure of the landowner to notify the

Council of his acceptance or denial of the conditions to the plan or plat constitutes acceptance of the conditions.

5. The granting or denial of tentative approval by written resolution shall be based on findings as set forth below and shall state in full in what respects the plan or plat would or would not be in the public interest, including but not limited to the findings of facts and conclusions on the following:

(a) The plan and plat are consistent with the stated objectives of planned unit developments.

(b) The relationship, beneficial or adverse, of the proposed planned unit development to the area in which it is proposed to be developed.

(c) That authorized distribution of buildings, streets and open space will permit better site planning and thus benefit both the residents of the development and the community as a whole.

(d) That such distribution or location will not unduly increase the bulk of buildings, density of population, or intensity of use to the detriment of areas outside the development by restricting access to light and air by creating traffic congestion.

**C. Final Development Plan; Approval.**

1. Within six (6) months following the approval of the preliminary development plan and preliminary plat, the applicant shall file with the Planning Commission a final development plan and plat containing in its final form the information required in the preliminary plan and plat. In its discretion, and for good cause, the Planning Commission may extend for six (6) months the period of filing of the final development plan and plat. A public hearing on an application for a final approval of the plan and plat or part thereof, shall not be required, providing the plan and plat, or the part thereof submitted for final approval, is in substantial compliance with the plan and plat given tentative approval.

2. In the event the plan and plat as submitted for final approval is not in substantial compliance with the preliminary plan and plat, the Planning Commission shall, within forty-five (45) days of the date the application for final approval is filed, so notify the landowner, setting forth the particular ways in which the plan and plat is not in substantial compliance. The landowner may (1) treat such notification as denial of the final approval, (2) re-file his plan and plat so that it does substantially comply with the preliminary plan and plat, (3) file a written request with the Planning Commission that it hold a public hearing on its application for final approval. Any such hearing shall be held within thirty (30) days after request for such hearing is made. Within forty-five (45) days of either such hearing or re-filing the Planning Commission shall recommend and the Council shall

by resolution either grant final approval to the plan and plat or deny final approval of the plan and plat.

3. If the Council fails to act, either by grant or denial of the final approval of the plan and plat within the time prescribed, the landowner may, after twenty (20) days written notice to the Council, file a complaint in the Court, and upon showing the Planning Commission and/or Council has failed to act either within the time prescribed, or subsequent to the receipt of the above written notice, the plan and plat shall be deemed to have been finally approved and the Court can enter an order directing the County Clerk to record the plan and plat as submitted for final approval, without the approval of the Council.

4. The plan and plat are attached to and are part of the ordinance establishing the zoning change. The Zoning Administrator shall then change the zoning classification on the Official Zoning Map and designate the district as a PD District. A number shall be assigned each PD District in sequence through each year (i.e., '75-1...). The final plan and plat and all supporting documents will be filed with the preliminary plan and preliminary plat and re-zoning request and together they will form the ordinance establishing the PD District.

5. Building permits shall not be issued for any of the structures or land alterations shall not be made until the following conditions are met:

(a) Public open space has been dedicated to the City and officially recorded; or,

(b) A cash payment in lieu of land donation has been made to coincide with construction of each building according to the negotiated agreement.

(c) The design and construction specifications for all utilities, street improvements and mass grading have been approved by the City Engineers.

(d) The Homeowner's Association By-Laws, covenants and deed restrictions have been approved by the City Attorney.

(e) The construction plans for proposed structures have been approved by the Building Inspector.

(f) The final plat (if necessary) has been approved by the City and recorded with appropriate governmental agencies as required by law. Such recorded plats shall contain a statement indicating that such plat is a part of Planned Development, No. \_\_\_\_\_, City of Hibbing, Minnesota.

(g) The detailed site development plans have been approved by all appropriate City staff members and the Council and such signatures appear on the plans.

Source: Ordinance No. 344, 2nd Series  
Effective Date: 2-2-2008

**D. Non-Compliance; Inspection.**

**1.** In the event that a plan, or a section thereof, is given final approval and thereafter the landowner shall abandon said plan or the section thereof that has been finally approved, the landowner shall so notify the Council in writing; or in the event the landowner shall fail to commence the planned development within twelve (12) months after final approval has been granted, then and in that event such final approval shall terminate and be deemed null and void unless such time period is extended by the Council upon written application of the landowner.

**2.** The Zoning Administrator shall review each planned development at least once a year until completed and shall make a report (through the Planning Commission) to the

Council on the status of the development in each PD District. If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress.

**3.** Within thirty (30) days of such notice, the Council shall either revoke the conditional use permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take such steps as it shall deem necessary to compel compliance with the plans as approved; or shall require the owner to seek an amendment of his plan as provided below.

**4.** After final approval, no planned development plan shall be amended except by the Council after a public hearing before the Planning Commission provided, however, that the approved development schedule of such plan may be extended for no more than two (2) years by the Council without any hearing or Planning Commission action.

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

#### **SEC. 11.51 OFF-STREET PARKING AND LOADING SPACES.**

**Subd. 1. Purpose.** The regulation of off-street parking and loading spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles and for off-street loading and unloading from motor vehicles in accordance with the intensity of utilization of the various parcels of land or structures.

**Subd. 2. Scope of Regulations.** The requirements of this Section shall apply within all zoning districts for uses and structures, except as hereinafter provided.

**Subd. 3. Compliance Required.** In all zoning districts off-street parking shall be provided as follows:

**A.** New construction. Full off-street parking compliance is required for all newly erected buildings.

**B.** Enlargement. Whenever a use of building requiring off-street parking is increased in floor area or when interior building modifications or structural alterations result in an increase in effective capacity for any use, additional parking shall be provided in proper ratio to the increase in floor area or capacity.

**C.** Change in use. Whenever a building or use or part thereof is changed in usage, such that the new use requires more

parking than the old, the extent to which the use is changed shall be required to comply fully with the provisions of this section.

**D.** Parking lot construction and expansion. All new parking lots and improvements and extensions to existing lots shall comply fully with the requirements of this section.

**E.** Required site plan. Any application for a building permit, zoning permit or for a Certificate of Zoning Compliance and Occupancy shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this Section.

**Subd. 4. Off-Street Parking.**

**A. General Provisions.**

1. Parking shall not be allowed in areas that are not designed for off-street parking.

2. For uses not specifically listed in this Chapter or uses for which a specific number of spaces have not been defined the Zoning Board of Appeals and Adjustments shall determine the number of spaces to be required by utilizing the requirements of the most similar use listed in 11.51 Subd. 4. F. Issuance of building permits for the above situations shall be subject to approval of all site plans.

3. Parking for people with handicaps shall be provided and marked in accordance with Minnesota Rules Chapter 1341, Minnesota Accessibility Code.

**B. Calculating Spaces.** In computing the number of such parking spaces required the following rules shall govern:

1. Floor space shall mean the gross floor area of the specific use.

2. Where fractional spaces result, the parking required shall be construed to be the nearest whole number.

3. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements.

4. Should a structure contain two or more types of uses, each use shall be calculated separately for determining the total off-street parking spaces required.

5. Required parking spaces may be provided within a garage or other partially or fully enclosed structure.

C. Dimensions. Each parking space shall require a minimum of 300 hundred square feet and be not less than 9 feet wide and 18 feet in length. Such space shall have a minimum vertical clearance of 8 feet.

D. Design.

1. Buffer fences and planting screens. Off-street parking and loading areas in any district near or adjoining residential districts shall be screened by a buffer fence of adequate design or a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan, and such fence or landscaping shall be installed as part of the initial construction prior to issuance of a Certificate of Zoning Compliance or Occupancy. Natural vegetation or other natural materials shall be used to screen parking areas when viewed from an adjacent water body.

2. Access.

(a) The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard. No driveway in the R-3 or R-4 Residence Districts, C-2 Commercial District, or I-1 and I-2 Industrial Districts shall be closer than 50 feet from any right-of-way line of a street intersection. Distance from street intersections in C-3 Commercial Districts shall be as stated in Section 11.31. In all other zone districts, the minimum distance shall be 20 feet.

(b) In R-3, R-4, C-2, I-1 and I-2 Districts, direct access from parking areas for more than 12 vehicles shall be provided to a collector street as shown on the adopted City Land Use Plan or to a related service road.

3. Surface.

(a) All off-street required parking spaces, together with driveways, aisles, and other circulation areas, shall be improved in such a way as to provide a hard, durable, and dust-free surface such as, but not limited to concrete, asphalt brick pavers, or other materials as approved by the City Engineer.

(b) All parking areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or

walkways, and shall be maintained in a safe, well-kept condition.

- (c) In no instance shall impervious surfaces be placed less than 50 feet from the ordinary high water mark, which requirement is not intended to restrict public boat launching and accesses.
- (d) In the R-3 and R-4 Districts and in all Commercial and Industrial Districts, parking areas and access drives shall be covered with a dust-free, all-weather surface with proper surface drainage.

4. Parked-in. Except for single or two-family dwellings or for attendant parking, each parking space shall be arranged so that any vehicle may be parked and unparked without moving another vehicle.

5. Aisles. Except for single or two-family dwellings, parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter adjacent streets in a forward manner.

6. Parking in rights-of-way. No parking area or vehicle accommodation areas shall be located within a public right-of-way. Parked vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheel stops, or other appropriate means.

7. Stacking. No stacking lane required for vehicles awaiting service shall be located such that it creates interference with the use of the abutting street(s) or with travel lanes or aisles of the vehicle accommodation area.

8. Parking maneuvers. The design of parking spaces shall be adequate for the safe parking of vehicles and vehicle accommodation areas shall be provided so that parking and unparking can be accomplished in one continuous maneuver.

9. Connect adjoining parking. Parking facilities shall be designed to connect with parking facilities on adjacent zoning lots where appropriate to eliminate the need to use the abutting street(s) for cross movements.

10. Curbed islands. Curbed islands shall be required around the perimeter, at the ends and between parking aisles for traffic control or drainage control.

11. Drainage. All off-street parking facilities shall be provided with a drainage system meeting the design standards of the City Engineer.

12. Lighting. Except for one and two-family residences, all plans for off-street parking areas shall be accompanied by a lighting plan certified by an electrical engineer licensed by the State of Minnesota that adheres to the standards set forth by the Illuminating Engineers Society of North America, as may be amended from time to time. In any event, any lighting used to illuminate an off-street parking area shall be arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way.

13. Ventilation. Adequate provision shall be made for the ventilation of and dispersion and removal of smoke and gases from above-ground and below-ground parking structures.

14. Motorcycles. Parking facilities designed to accommodate 50 or more vehicles shall provide areas necessary for the parking of motorcycles, mopeds, and bicycles. Such areas shall be clearly defined and reserved for the exclusive use by motorcycles, mopeds, and bicycles.

15. Striping. Except for single and two-family dwellings, all parking spaces shall be delineated with painted lines when pavement of vehicle accommodation areas is required.

**E. Location.**

1. In any residential zone district, no parking space shall be located within 5 feet of any front or rear property line.

2. In an I-2 Industrial District, no parking or loading space shall be located in any front yard or side or rear yard that abuts any residential districts, and in no instance shall parking or loading space be located within 5 feet of a side or rear property line, except for railroad loading areas or except in the case of parking space which abuts parking space on the adjoining property in which case no setback shall be required.

3. Required off-street parking space shall be provided on the same lot or lots as the principal building or use is located, except as provided in 11.51 Subd 4. G and H.

**F. Use of Required Area.**

1. Required parking spaces accessory to residential structures shall be used solely for the parking of licensed and operable passenger automobiles; no more than one truck not to exceed 12,000 pounds gross capacity; and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or equipment or for the parking of automobiles belonging to the

employees, owners, tenants, or customers of business or manufacturing establishments.

2. No commercial repair work or service of any kind, or sale or display thereof, or the storage of new or used vehicles which are not for the use of the occupant, employees and patrons shall be conducted in such parking area.

3. Any area once designated as required off-street parking shall not be changed to any other use until equal facilities as required by the City Code are provided elsewhere.

**G. Off-Site Parking.**

1. Any off-site parking used to meet the requirements of this Section shall be an Interim Use as regulated herein and, at a minimum, shall be subject to the conditions in this Section.

2. Off-site parking shall be developed and maintained in compliance with all requirements and standards of the City Code.

3. Reasonable year-round access from off-site parking facilities to the use being served shall be provided.

4. Off-site parking for multiple family dwellings shall not be located more than 100 feet from any normally used entrance of the principal use served.

5. Off-site parking for non-residential uses shall not be located more than 300 feet from the main entrance of the principal use being served. No more than one main entrance shall be recognized for each principal building.

6. The site used for meeting the off-site parking requirements of the City Code shall be under the same ownership as the principal use being served, under public ownership, or governed by a long-term agreement between the owner of the parking facility and the use being served.

7. In the event that the off-site parking facility no longer is available to the principal use that is served, the Interim Use permit will terminate and the Certificate of Occupancy for the principal use shall be revoked until that time on-site or off-site parking meeting the regulations of the City Code is secured.

**H. Joint Use.** Two or more buildings or uses may collectively provide off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately. In the case of the joint use of off-street parking spaces where operating hours

do not overlap, the planning commission may grant an exception to allow the total parking required to be reduced below the sum total of the individual uses provided a copy of an agreement between joint users is filed with the application.

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

**I. Minimum Number of Spaces Required.** The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth. There are no minimum number of off-street parking spaces required in the C-2 District except where the use is a conditional use.

Source: Ordinance No. 378, 2nd Series  
Effective Date: 10-31-2010

RESIDENTIAL USES		MINIMUM PARKING REQUIRED
1.	One- and two-family units	2 per dwelling unit
2.	Multiple dwellings	2 per dwelling unit
3.	Senior citizens housing	0.8 per dwelling unit
4.	Boarding and rooming houses	1 per sleeping room
5.	Accessory apartments	1 per unit
6.	Bed and breakfast	1 per room plus minimum required for other uses associated with use
7.	Child care/nursery schools	In residential areas, 2 per unit; all others, 1 per each 4 persons of licensed capacity
8.	Group homes	1 per unit for homes with 6 or fewer persons; add 1 space per additional 4 persons of licensed capacity

PUBLIC AND QUASIPUBLIC USES		MINIMUM PARKING REQUIRED
1.	Churches, places of worship	1 per 4 seats in largest assembly room
2.	Elementary school	2 per classroom
3.	Junior high/middle school	2 per classroom

PUBLIC AND QUASIPUBLIC USES		MINIMUM PARKING REQUIRED
4.	Senior high school	6 per classroom plus 1 per 6 seats in main auditorium/stadium/etc. (whichever is greater)
5.	Colleges, universities, technical schools	1 per each campus vehicle permit issued, plus, additional visitor parking equal to 25 percent of the number of permitted campus vehicles
6.	Stadiums, arenas, auditoriums accessory to a school	1 per 6 seats
7.	Stadiums, arenas, theaters, and auditoriums	1 per 3 seats
8.	Museums, libraries, art galleries	1 per 500 square feet of gross floor area
9.	Golf and country clubs	6 per hole
10.	Government offices	1 per 200 square feet gross floor area
11.	Hospitals	2 per bed
12.	Nursing homes	1 per 3 beds
13.	Clubs and lodges, social and fraternal	1 per each 2 persons based on occupancy rating, or, 1 per 50 square feet of assembly area, whichever is greater

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

BUSINESS USES		MINIMUM PARKING REQUIRED
1.	Business, insurance, general offices	1 per 250 square feet gross floor area
2.	Medical, dental offices, clinics	1 per 200 square feet gross floor area, or, 3 per each examination/treatment room, whichever is greater
3.	Automotive sales/repair	1 per 300 square feet gross floor area
4.	Styling salon/barber shop	3 per chair
5.	Bank, financial institution, loan agency	1 per 250 square feet gross floor area plus 4 stacking spaces per drive-up window
6.	Car washes (principal use)	See Section 11.52.
7.	Car washes (accessory)	See Section 11.52.

BUSINESS USES		MINIMUM PARKING REQUIRED
8.	Restaurants, cafes, bars	1 per 75 square feet gross floor area
9.	Drive-up restaurants	1 per 50 square feet gross floor area plus 8 stacking spaces per drive-up window
10.	Athletic facilities a. Racquet ball / tennis b. All other	6 per court 1 per 200 square feet gross floor area
11.	Movie theaters	1 per 4 seats
12.	Gasoline/service stations including oil	3 plus 2 per service stall plus 1 per 100 square feet gross floor area of retail space
13.	Oil change / tire change shops	2 per store plus 2 per service bay (service bay not counted as a parking space)
14.	Convenience stores with or without gasoline service	5 per 1,000 square feet gross floor area
15.	Bowling alleys	5 per lane
16.	Hotels, motels, tourist homes	7 per 5 guestrooms (or fraction thereof)
17.	Funeral homes, mortuaries	1 per 3 seats in largest parlor or chapel
18.	Home furnishings store	1 per 500 square feet gross floor area
19.	Hardware/home improvement	1 per 300 square feet gross floor area
20.	Daycare/group homes (commercial)	1 per 5 persons enrolled
21.	Pool halls, roller and ice rinks, exhibition halls	1 per 2 persons based on occupancy rating
22.	Mini-storage warehouse	1 per 10 units
23.	General retail sales, not listed	1 per 175 square feet gross floor area, 5 minimum
24.	Retail services, not listed	1 per 200 square feet gross floor area, 3 minimum
25.	Shopping center	Less than 15,000 square feet – minimum of 5 and maximum of 5.5 per 1,000 net sq ft.

BUSINESS USES		MINIMUM PARKING REQUIRED
		<p>Between 15,000 and 400,000 net square feet – minimum of 4 and maximum of 4.5 per 1,000 net sq ft.</p> <p>Between 400,000 and 600,000 square feet – minimum of 4 and maximum of 5 spaces per 1,000 net sq ft.</p> <p>Over 600,000 square feet – minimum and maximum of 5 spaces per 1,000 net sq ft.</p>

Source: Ordinance No. 378, 2nd Series  
 Effective Date: 10-31-2010

INDUSTRIAL USES		MINIMUM PARKING REQUIRED
1.	Manufacturing	<p>1 space for each employee on the largest shift or 1 space for each 350 square feet, whichever is greater, plus one space for each company motor vehicle customarily kept on the premises.</p> <p>Parking for office, research facilities, and other uses on the manufacturing site premises will be determined for each use as per appropriate commercial requirements above.</p>
2.	Warehousing	<p>1 space for each employee on the largest shift or 1 space for each 2,000 square feet, whichever is greater, plus one space for each company motor vehicle on the premises.</p>

J. Reduction in required spaces. A reduction of up to 20% of the minimum required number of parking spaces may be permitted as an Interim Use by the Planning Commission if, based on substantial evidence in the record of the proceedings, the Commission finds that compliance with the full minimum off-street parking space requirements of this section would not be warranted for the particular use(s) and site.

**Subd. 5. Loading.**

**A. General provisions.**

1. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided.

2. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development.

3. Any space allocated as required loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the on-site parking area.

**B. Location and design.**

1. All required loading spaces shall be off-street and located on the same lots the building or use to be served.

2. All loading spaces curb cuts shall be located a minimum of 50 feet from the intersection of two or more street rights-of-way, as measured from the property line.

3. No loading space shall be located closer than 50 feet from a residential district unless within a structure.

4. Loading spaces shall not occupy the front yard setbacks.

5. Off-street loading spaces shall be located and arranged so that a semi-trailer truck shall be able to gain access to and use such spaces by making one continuous parking maneuver beginning at a public right-of-way.

6. Loading spaces shall observe the minimum setbacks established for structures.

7. No loading space shall be located so that a vehicle using such space intrudes on travel lanes, walkways, public or private streets, or adjacent properties.

8. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.

9. All loading spaces and vehicle accommodation areas shall be surfaced with asphalt or concrete which shall be maintained in a safe, sanitary, and neat condition.

10. Each required off-street loading space shall have a minimum width of 12 feet, a minimum length of 65 feet, and a vertical clearance of 14 feet above finished grade of the space.

11. Loading areas shall be screened from adjacent streets and adjacent properties by means of an effective screening device which is at least 6 feet in height above the grade of the loading area. Appropriate screening devices may include solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the required height within 2 years of planting, or any combination of the above.

**C.** Required loading space. The number of required off-street loading spaces shall be as follows:

USE	REQUIRED NUMBER OF LOADING SPACES
<b>Residential Uses:</b>	
Single family and two family dwellings	None
Multiple family dwellings	
Less than 4 dwelling units	None
4 to 48 dwelling units	1 per building
For each additional 48 dwelling units over 48	1 per building
<b>Non-Residential Uses:</b>	
Gross floor area (square feet)	
Less than 10,000	1
10,001 to 20,000	2
20,001 to 50,000	3
50,001 to 75,000	4
75,001 to 100,000	5
For each additional 50,000 over 100,000	1

**D.** Reduction in required spaces. A reduction of up to 100% of the minimum required number of loading space area may be permitted as an Interim Use by the Planning Commission if, based on substantial evidence in the record of the proceedings, the Commission finds that compliance with the full minimum off-street loading space requirements of this section would not be warranted for the particular use(s) and site.

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

**SEC. 11.52. SPECIAL PROVISION: AUTOMOBILE SERVICE STATION AND CAR WASH REGULATIONS.**

**Subd. 1. C-1, C-2, C-3 Commercial Districts.** The following may be permitted as a conditional use:

**A. Automobile Service Stations:** Subject to submission of a site plan conforming to the following design standards and a statement agreeing to performance or maintenance of those standards:

1. The parcel of land shall not be less than 100 feet by 100 feet with one side facing on a major collector or urban arterial street as shown on the City approved thoroughfare plan.
2. No curb cut on a major thoroughfare shall be within 50 feet, and no curb cut on a non-major thoroughfare shall be within 25 feet of the intersection of the projected curb lines; no curb cut shall exceed 30 feet in width at the sidewalk line; the driveway installed with a curb cut shall not cause the public sidewalk to slope greater than 1/4 inch per foot; no more than three curb cuts shall be permitted except for one additional if the parcel has 150 feet or more of frontage on a non-major thoroughfare.
3. The pump islands shall observe the required front yard setback where applicable, and 5 feet or more of such setback area shall be landscaped and protected by a curb at least 6 inches high except for approved driveway crossings.
4. All of the area of the parcel except that covered by buildings and landscaping shall be surfaced to control dust and drainage. Drainage and surfacing plans are to be approved by the Planning Commission.
5. A 6-foot decorative fence, or a 15-foot wide planting strip and 3-foot decorative fence shall be installed and maintained along the property line where said line abuts a residentially zoned parcel. Should the planting strip and fence combination be selected, the proposed planting plan shall be approved by the Planning Commission. Should the abutting residential area be zoned R-1 or R-2, a 50-foot setback is to be provided between the abutting property line and any principal or accessory structure.
6. A minimum of five parking spaces plus three for each service stall shall be provided, none of which are within the service drives for the pumps nor within the required front yard; also, should the automobile service station be

a combined business, the portion of the site and structure devoted to such other business shall be calculated independently for determining parking to be provided.

7. All lights shall be so located and/or shielded that the resulting light pattern does not extend into abutting residential lots or the public right-of-way beyond the intensity of one foot-candle.

8. The sale or rental of trailers, autos, campers, boats or other merchandise requiring outside storage shall be considered a separate business, shall be approved as a separate business and shall not occupy the minimum lot area required to conduct a motor fuel station.

9. All merchandise kept on the premises and displayed for sale, except for oil stored on the pump island, shall be kept within the building or its immediate environs.

10. A perspective drawing, including elevations, shall be submitted for approval which indicates an architectural style compatible with adjacent existing or actually proposed developments.

11. Provisions shall be made for on-lot receptacles for the storage of trash in areas which are screened from the public view.

12. All fuel oil storage tanks shall be placed underground and so located that they may be serviced without the tank truck extending beyond the property line.

B. Car Wash Establishments subject to the submission of a site plan conforming to the following design standards and a statement agreeing to performance of those standards:

1. The minimum lot width shall be 125 feet at the front yard building setback line.

2. No curb cut on a major collector or urban arterial street shall be within 50 feet, and no curb cut on a non-major thoroughfare shall be within 25 feet, of the intersection of the projected curb lines; no curb cut shall exceed 30 feet in width at the sidewalk line; the driveway installed with a curb cut shall not cause the public sidewalk to slope greater than 1/4 inch per foot; no more than two curb cuts shall be permitted on any one public street.

3. A side and rear yard setback of 5 feet shall be maintained between the parking area and any lot line adjacent to General Commercial, Light Industrial and Industrial (C-2, I-1, and I-2) Districts. A side and rear yard setback of 25 feet shall be maintained between any parking area and any lot line adjacent to Neighborhood Commercial (C-1) Districts. A side and rear yard setback of 50 feet shall be maintained between any parking area and any lot line adjacent to Residential and Multiple Dwelling Zoning Districts.

4. All of the area of the parcel except that covered by buildings and landscaping shall be surfaced to control dust and drainage. Drainage and surfacing plans are to be approved by the Planning Commission.

5. A 6-foot decorative fence, or a 5-foot wide planting strip and 3-foot decorative fence shall be installed and maintained along the property line where said line abuts a residentially zoned parcel. Should the planting strip and fence combination be selected, the proposed planting plan shall be approved by the Planning Commission. Should the abutting residential area be zoned R-1 or R-2, a 50-foot setback is to be provided between the property line and any principal or accessory structure.

6. **Parking:**

(a) **Stacking Spaces** - A minimum of eight customer automobile stacking spaces shall be provided for each washing lane for automatic car washes.

(b) **Customer Service Parking** - A minimum of three customer service parking spaces shall be provided for each washing lane for automatic car washes.

(c) **Employee Parking** - A minimum of five employee parking spaces shall be provided for automatic car washes.

(d) **Self-Service Car Washes** - A minimum of three outside customer parking spaces shall be provided for each enclosed self-service washing space. The foregoing required number of parking spaces shall be shown and designated on the site plan. Parking spaces as required by this Section shall supersede parking space requirements elsewhere in this Chapter.

7. Interior curbs shall be constructed within the property lines to separate driving and parking surfaces from landscaped areas. Interior curbs required by this Section shall be a normal 6 inches in height.
  8. All lights shall be so located and/or shielded that the resulting light pattern does not extend into abutting residential lots or the public right-of-way beyond the intensity of one foot-candle.
  9. Selling or storage of commodities or services other than as defined in this Section, shall be conducted in conformance with the display and storage requirements of the zoning district in which the car wash is located.
  10. All washing facilities shall be completely within an enclosed building.
  11. A perspective drawing, including elevations, shall be submitted for approval which indicates an architectural style compatible with adjacent existing or proposed development.
  12. Provisions shall be made for on-lot receptacles for the storage of trash in areas which are screened from the public view.
  13. Vacuuming facilities shall not be located along public streets and shall be completely screened from public streets and adjacent residential property.
  14. Where vending machines are proposed as an accessory use, they shall be incorporated into the design of the structure, whenever architecturally feasible.
  15. Where gasoline sales are involved, all fuel storage tanks shall be placed underground and so located that they may be serviced without the tank truck extending beyond the property line.
  16. All wash water disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the City Engineer and shall be designed so as not to detrimentally affect the City sewer system.
- Subd. 2. I-1 and I-2 Industrial Districts.** The following may be conditionally permitted:

**A. Automobile Service Stations:** Subject to submission of a site plan conforming to the following design standards and a statement agreeing to performance or maintenance of those standards:

1. The parcel of land shall not be less than 100 feet in width or depth with one side facing on a major thoroughfare as shown on the adopted thoroughfare plan.
2. No curb cut on a major collector or urban arterial street shall be within 50 feet and no curb cut on a non-major thoroughfare shall be within 25 feet of the intersection of the projected curb lines; no curb cut shall exceed 30 feet in width at the sidewalk line; the driveway installed with a curb cut shall not cause the public sidewalk to slope greater than 1/4 inch per foot; no more than three curb cuts shall be permitted except for one additional if the parcel has 150 feet or more of frontage on a non-major thoroughfare.
3. The pump islands shall observe the required front yard setback, 5 feet or more of which shall be landscaped and protected by a curb at least 6 inches high except for approved driveway crossings.
4. All of the area of the parcel except that covered by buildings and landscaping shall be surfaced to control dust and drainage. Drainage and surfacing plans to be approved by the Planning Commission.
5. A minimum of five parking spaces plus three for each service stall shall be provided, none of which are in the service drives for pumps or the required front yard; also, should the automobile service station be a combined business, the portion of the site and structure devoted to such other business shall be calculated independently for determining parking to be provided.
6. All lights shall be so located and/or shielded that the resulting light pattern does not extend into abutting residential lots or the public right-of-way beyond the intensity of one foot-candle.
7. Where trucks are to be accommodated, parking spaces shall be provided at the ratio of four spaces (each having 12 feet by 50 feet minimum dimensions) for each service stall.

8. A perspective drawing, including elevations, shall be submitted for approval which indicates an architectural style compatible with adjacent existing or proposed developments.

9. Provisions shall be made for on-lot receptacles for the storage of trash in areas which are screened from the public view.

10. Where vending machines are proposed as an accessory use, they shall be incorporated into the design of the structure, whenever architecturally feasible.

11. All fuel storage tanks shall be placed underground and so located that they may be serviced without the tank truck extending beyond the property line.

**SEC. 11.53. SPECIAL PROVISION: PERFORMANCE STANDARDS.**

**Subd. 1. Compliance Required.** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element; also fire, explosive, or other hazard; excessive noise or vibration; smoke, dust, odor or other form of air pollution; also generate heat, cold, dampness, electrical or other condition or element in such a manner, or in such amount, as to adversely affect the surrounding area of adjoining premises, provided that any use permitted or not expressly prohibited by this Chapter may be undertaken and maintained if it conforms to the regulations of this Section limiting objectionable elements at the points of measurement.

**Subd. 2. Points of Measurement.** The determination of the existence of any objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent; provided, however, that the measurements necessary for enforcement of performance standards set forth in this Section shall be taken at property line boundaries.

**Subd. 3. Performance Standard Regulations.** The following provisions, standards and specifications shall apply:

**A. Fire and Explosion Hazards:** All activities involving, and all storage of, inflammable and explosive materials shall be provided at conveniently accessible places, with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials

in open fires shall be prohibited at any place. The relevant provisions of State and local laws and regulations shall apply in all cases.

**B. Radioactivity or Electric Disturbances:** No activities shall be permitted which emit dangerous radiation at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance. Radioactive emissions shall be further subject to applicable Federal and State regulations.

**C. Noise:** At the points of measurement, the sound pressure level of noise radiated from a facility at night time, during the hours of 10:00 o'clock P.M. to 7:00 o'clock A.M., shall not exceed 50 decibels (sound pressure level decibels re 0.0002 dynes/cm<sup>2</sup>), or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above 300 cycles per second. The sound pressure level shall be measured with a Sound Level Meter (American Standard Sound Level, Meters for Measurement of Noise and Other Sounds, Publication 224.3 - 1944) and an Octave Band Analyzer (American Standard Specification for an Octave - Band Filter Set for the Analysis of Noise and Other Sounds, Publication 224.10 - 1953) that conforms to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.), periodic character (humming, screech, etc.), or shrillness. For facilities which radiate noise only during a normal daytime working shift, the allowable decibel level given above shall be increased 20 decibels, or 10 decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is the higher. Sirens, whistles, bells, etc., which are maintained and utilized solely to serve a public purpose (such as fire and air raid warning sirens) are excluded from the above regulations.

**D. Vibration:** No ground vibration shall be permitted which is discernible without instruments at the points of measurement for enforcement of this Chapter.

**E. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution:** No emission shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property, or which can cause any excessive soiling, at any point. Noxious emissions shall be measured as to degree of severity following the guidelines and standards of the Pollution Control Agency (PCA).

**F. Glare:** No direct or structural or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the points of measurement. This restriction shall not apply to signs otherwise permitted by the provisions of this Chapter.

**G. Heat:** Every use and activity shall be so operated that it does not raise the ambient air temperature more than 2 degrees Fahrenheit at or beyond the point of measurement.

**H. Liquid or Solid Wastes:** No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground except in accord with standards approved by the Department of Health of the State of Minnesota or standards equivalent to those approved by such Department for similar use, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

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

**I. Regulation for Treatment, Storage (Stockpiling) or Disposal of Petroleum Contaminated Soil.**

**1. Site Approval.** A conditional use permit shall be required for any site used for treatment, storage (stock-piling) or disposal of petroleum contaminated soil. This shall include, but not be limited to, single and multiple land applications and/or burning of contaminated soil. This shall also include any other disposal process as determined by the Minnesota Pollution Control Agency (MPCA). Temporary storage (stockpiling) on the same property from which such soil is extracted shall be exempt from these regulations provided that said soil is stored (stockpiled) pursuant to MPCA procedures for no more than ninety (90) days.

**2. Prohibition.** In no case shall treatment, storage (stockpiling) or disposal of petroleum contaminated soil be permitted or conditionally permitted in any R-1, R-2, R-3, R-4, W-1, W-2 or W-3 Zoning District.

**3. Compliance.** The applicant or responsible party shall assume complete responsibility to comply with all applicable MPCA, Federal, State and County regulations and City Code provisions. The applicant or responsible party shall apply for a MPCA permit before an application for conditional use permit is accepted. The conditional use permit may require

additional conditions for the proposed use. Treatment, storage (stockpiling) or disposal of petroleum contaminated soils without an approved conditional use permit may constitute grounds for denial of a conditional use permit based on, but not limited to, potential damage and adverse effects upon the subject property and adjoining properties and other matters affecting the public health, safety and general welfare. Violation of applicable regulations, City Code provisions and conditions shall be subject to the penalties established by the MPCA, City Code provisions and/or other governmental agencies.

Source: Ordinance No. 192, 2nd Series  
Effective Date: 5-20-92

**Subd. 4. State Standards.** The State of Minnesota Pollution Control Standards shall take precedence over the above regulations except where City standards are more stringent. Current State regulations shall be kept on file in the office of the Zoning Administrator, and shall be the determining standard in resolving questions regarding performance standards.

**Subd. 5. Compliance.** In order to insure compliance with the performance standards set forth above, the Zoning Administrator, with approval of the Council, may require the owner or operator for any use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigations and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the City. Where compliance is determined, incurred costs shall be divided equally between the use and the City; where a violation exists, said use shall remit full payment for all incurred costs.

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

**SEC. 11.54. SPECIAL PROVISION: GRADING, FILLING OR EXCAVATION.**

**Subd. 1. GENERAL.**

**A.** No person shall undertake, authorize, or permit any of the following actions without first having obtained a grading permit from the City:

**1.** Any excavating, grading, filling, or other change in the earth's topography resulting in the movement of material. Under no circumstance shall grading permits be required for a City Council approved conditional use permit for gravel or borrow pit operations; mining operations under the approval authority of federal and state governmental agencies; construction or repair projects for roads, highways, or bridges, including any work in or improvement to a public right-of-way or easement as authorized by any federal, state, local governmental agency, or public utility.