

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDING REGULATIONS

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GENERAL PROVISIONS

§ 150.01 STATE BUILDING CODE.

(A) *Codes adopted by reference.* The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to M.S. Chapter 16B.59 to 16B.75, as it may be amended from time to time, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this section. The Minnesota State Building Code is hereby incorporated in the section as if fully set out herein.

(B) *Application, administration and enforcement.*

(1) The application, administration, and enforcement of the code shall be in accordance with the Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by M.S. § 16B.62, subdivision 1, as it may be amended from time to time, when so established by this section.

(2) The code enforcement agency of this municipality is called the _____.

(3) This code shall be enforced by the Minnesota Certified Building Official designated by this municipality to administer the code (M.S. § 16B.65, subdivision 1, as it may be amended from time to time).

(C) *Permits and fees.*

(1) The issuance of permits and the collection of fees shall be as authorized in M.S. § 16B.62, subdivision 1, as it may be amended from time to time.

(2) Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with M.S. § 16B.70, as it may be amended from time to time.

(D) *Violations and penalties.* A violation of the code is a misdemeanor (M.S. § 16B.69, as it may be amended from time to time).

(E) *Building Code optional chapters.* The Minnesota State Building Code, established pursuant to M.S. §§ 16B.59 to 16B.75, as they may be amended from time to time, allows the municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

§ 150.02 VACATION OF STREETS, ALLEYS AND PUBLIC GROUNDS.

(A) The City Council may vacate public grounds, streets or alleys or any part thereof on its own motion. When the vacation is by the motion of the Council rather than by petition, the resolution may be adopted by a four-fifths vote of the Council. No such vacation may be accomplished unless it appears in the interest of the public to do so and until after a hearing is held which is preceded by a two week published and posted notice. After a notice of vacation is adopted, the Administrator shall prepare and present to the proper county officials a notice of completion of the proceedings.

(B) The Council may by resolution vacate any street upon the petition of a majority of the owners of land abutting on the street, alley, public ground, public way or any part thereof to be vacated. A resolution shall be upon hearing as provided for in division (A) of this section and the vacation upon a petition of property owners may be adopted by a majority vote.

(C) M.S. § 412.851, as it may be amended from time to time, is adopted by reference and specifically made a part hereof and incorporated herein.
(Prior Code, Chapter 26)

UNIFORM ADDRESSING

§ 150.20 PURPOSE.

The City Council finds that for the purpose of providing proper protection of public and private property in the city it is essential to require visible approved addressing or identification for each separate public, residential, commercial or industrial building.
(Ord. 05-01, passed 11-5-2001)

§ 150.21 BUILDING NUMBERS.

Each primary structure within the city limits shall be assigned an address. The list of addresses of all primary structures within the city shall be held at the office of the City Administrator.

(Ord. 05-01, passed 11-5-2001)

§ 150.22 LOCATION, SIZE, SHAPE.

(A) All owners or occupants of residential, commercial and industrial structures within the city shall display their assigned address numbers on the outside of their primary structures, near the front door, for emergency purposes. The address number must be located on a primary structure surface facing the public road clearly visible from the road, address numbers shall be no smaller than four inches and colors should be in strong contrast with background. No self-adhesive number appliques shall be used.

(B) In those cases where the principal building's address is obscured from view from the street of address by accessory buildings, trees, shrubbery or other visual obstruction, the numbers shall be displayed on the mailbox in numerals not less than two inches high, of a light reflective material and of a contrasting color to the background. In those cases where the principal building is obscured from the view from the street address and the residence does not have a mailbox, the numbers shall be displayed from a permanent mounting on the property, clearly visible from the street, displayed prominently in numerals not less than four inches high of contrasting color to the background. The post should be within 50 feet of the road and ten feet of the driveway. The bottom of the address sign shall be placed at a height that is no less than four feet above the level of the surface of the road.

(Ord. 05-01, passed 11-5-2001)

§ 150.23 MULTIPLE DWELLING NUMBERING.

It shall be the duty of the owner or manager of every multiple dwelling building containing five or more rental units, and the owner or occupant of every individually owned dwelling unit in any such multiple unit building to properly identify each dwelling unit by attaching identification numbers on or adjacent to each entrance to the individual units. The owner or manager of any multiple dwelling building with common entrances containing five units or more, whether the units are rental or individually owned, shall provide signs, including directional arrows, easily identifying the location of each dwelling unit in the building. The signs shall be placed in an obvious location inside each entrance to the building as approved by the Fire Chief.

(Ord. 05-01, passed 11-5-2001)

§ 150.24 MAINTENANCE OF BUILDING NUMBERS.

The occupant of the primary structure shall be responsible for keeping its address numbers in good repair and clear of snow, dirt, debris or other obstructions.

(Ord. 05-01, passed 11-5-2001)

§ 150.25 TIME FOR COMPLIANCE.

All owners of primary structures in the city shall comply with this chapter within 45 days. All city licenses, applications and permits may be withheld from the owners or occupants of primary structures if the address is not placed or maintained in conformance with this chapter. (Ord. 05-01, passed 11-5-2001)

§ 150.26 VIOLATIONS.

Failure to comply with any section of this subchapter shall constitute a petty misdemeanor. (Ord. 05-01, passed 11-5-2001) Penalty, see § 10.99

CHAPTER 151: FLOOD PLAIN MANAGEMENT

Section

- 151.01 Statutory authorization and purpose
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SECTION 151.01 STATUTORY AUTHORIZATION AND PURPOSE

(A) Statutory Authorization. This floodplain chapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

(B) Purpose

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

(2) This chapter is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.

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(3) This chapter is adopted to maintain eligibility in the National Flood Insurance Program.

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

(B) **Abrogation and Greater Restrictions.** It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this chapter take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(C) **Warning and Disclaimer of Liability.** This chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This chapter does not create liability on the part of the City of Mountain Iron or its officers or employees for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(D) **Severability.** If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of law, the remainder of this chapter shall not be affected and shall remain in full force.

SECTION 151.02 DEFINITIONS. Unless specifically defined, words or phrases used in this chapter must be interpreted according to common usage and so as to give this chapter its most reasonable application.

ACCESSORY STRUCTURE. A structure, as defined in this chapter, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

BASE FLOOD. The flood having a one-percent chance of being equaled or exceeded in any given year. “Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, part 6120.5000.

BASE FLOOD ELEVATION (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term “base flood elevation” is used in the flood insurance study.

BASEMENT. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all sides, regardless of the depth of excavation below ground level.

BUILDING. See Structure.

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CHANNEL. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

CONDITIONAL USE. A land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

CRITICAL FACILITIES. Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Specifically, this includes facilities identified as Flood Design Class 4 in ASCE 24-14, Flood Resistant Design and Construction, as amended. Examples include health care facilities, facilities required for emergency response, power generating stations, communications towers, or electrical substations.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

EQUAL DEGREE OF ENCROACHMENT. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

FEMA. Federal Emergency Management Agency.

FARM FENCE. An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).

FLOOD. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.

FLOOD FRINGE. The portion of the one-percent annual chance floodplain located outside of the floodway. This district shall be extended laterally to the 0.2-percent annual chance floodplain, where mapped.

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

FLOOD INSURANCE STUDY (FIS). The study referenced in Section 151.03 (B), which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

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FLOODPLAIN. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

FLOODPROOFING. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

GENERAL FLOODPLAIN. Those floodplains designated on the Flood Insurance Rate Maps referenced in Section 3.2, but that do not have a delineated floodway.

LIGHT DUTY TRUCK. Any motor vehicle that has all three of the following:

- A. 8,500 pounds Gross Vehicle Weight Rating or less;
- B. vehicle curb weight of 6,000 pounds or less; and
- C. basic vehicle frontal area less than 45 square feet.

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

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

PRINCIPAL STRUCTURE. The main building or other structure on a lot that is utilized for the property's principal use.

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

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent

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dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this chapter. For the purposes of this chapter, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

REGULATORY FLOOD PROTECTION ELEVATION (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

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

SPECIAL FLOOD HAZARD AREA (SFHA). An area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

STAGE INCREASE. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 151.10(B)(2), shall also be considered a structure for the purposes of this chapter.

SUBDIVISION. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

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SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this chapter, “historic structure” is defined in 44 CFR § 59.1.

VARIANCE. “Variance” means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2).

VIOLATION. “Violation” means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation of until such time as that documentation is provided.

WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

SECTION 151.03 JURISDICTION AND DISTRICTS

(A) **Lands to Which Chapter Applies.** This chapter applies to all lands within the jurisdiction of the City of Mountain Iron within the Special Flood Hazard Areas (SFHAs) identified on the Flood Insurance Rate maps identified in Section 151.03(B). Areas within the SFHA are within one of three districts: the Floodway, Flood Fringe, or General Floodplain.

(1) The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.

(2) These regulations apply to all areas within the SFHA. If areas below the Base Flood Elevation (BFE) extend beyond the mapped SFHA based on actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the

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outer boundaries of the one-percent annual chance floodplain and these regulations apply to the outer boundary of the one-percent annual chance floodplain.

Figure 1: The mapped floodplain may not always align with on-the-ground contour elevations.



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

(B) Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this chapter. The attached material includes the Flood Insurance Study for St. Louis County, Minnesota, and Incorporated Areas, dated March 25, 2025, and the Flood Insurance Rate Map panel numbers 27137C1750E, 27137C1775E, 27137C2020E, 27137C2025E2, 27137C2040E, 27137C2045E, 27137C2050E2, 27137C2280E, 27137C2285E, 27137C2305E, 27137C2310E, all dated March 25, 2025, all prepared by the Federal Emergency Management Agency. These materials are on file in the City Hall.

(C) Districts

(1) Floodway District. Those areas within Zone A determined to be located in the floodway based on the delineation methods in Section 151.07(D).

(2) Flood Fringe District. Those areas within Zone A determined to be located in the flood fringe based on the delineation methods in Section 151.07(D). This district shall be extended laterally to the 0.2-percent annual chance floodplain, where mapped.

(3) General Floodplain District. Those areas within Zone A that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 151.03(B).

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(D) Annexations. The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of the City of Mountain Iron at the time of adoption of this chapter. If any of these floodplain land areas are annexed into the City of Mountain Iron after the date of adoption of this chapter, the newly annexed floodplain lands will be subject to the provisions of this chapter immediately upon the date of annexation. Annexations into panels not referenced in Section 151.03(B) require chapter amendment in accordance with Section 151.14.

(E) Municipal Boundary Adjustments. The Flood Insurance Rate Map panels referenced in Section 151.03(B) apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:

(1) City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdiction for all incorporated lands, and the County retains jurisdiction under this chapter on all unincorporated lands.

SECTION 151.04 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

(A) Permit Required. A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this chapter prior to the following uses or activities:

(1) The erection, addition, modification, maintenance, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 151.12(M).

(2) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. Farm fences, as defined in Section 151.02 of this Chapter, are not considered to be an obstruction, and as such, do not require a permit.

(3) The change or expansion of a nonconforming use.

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

(5) The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.

(6) The storage of materials or equipment, in conformance with Section 151.04(B)(2).

(7) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of

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Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.

(8) Any other type of “development,” as defined in Section 151.02 of this chapter.

(B) Minimum Development Standards

(1) All development must:

(a) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) Be constructed with materials and equipment resistant to flood damage;

(c) Be constructed by methods and practices that minimize flood damage;

(d) Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;

(e) Be reasonably safe from flooding and consistent with the need to minimize flood damage;

(f) Be assured to provide adequate drainage to reduce exposure to flood hazards;

(g) Not be detrimental to uses in adjoining areas; and

(h) Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(i) Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

(2) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause

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pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

(3) Critical facilities shall be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.

SECTION 151.05 FLOODWAY DISTRICT

(A) Permitted Uses in Floodway. Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 101.05(B):

(1) Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.

(2) Roads, driveways, railroads, trails, bridges, and culverts.

(3) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.

(4) Grading, filling, land alterations, and shoreline stabilization projects.

(5) No structures, as defined in Section 151.02, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 151.05(A)(1) and 151.0(C)(1), which require a CUP under Section 151.05(C)(2).

(6) Levees or dikes intended to protect agricultural crops, provided the top of the dike does not exceed the 10-percent annual chance flood event.

(B) Standards for Permitted Uses in Floodway. In addition to the applicable standards detailed in Section 151.04:

(1) The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site

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to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”

(2) Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12, and FEMA has issued the CLOMR. Map revisions must follow the procedures in Sections 11.15 and 14.0.

(3) Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 151.11(A)(5) and 151.14.

(4) Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.

(5) Any facility used by employees or the general public must be designed with a flood warning system acceptable to the Zoning Administrator that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

(6) Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.

(C) Conditional Uses in Floodway. The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 151.05(D):

(1) Commercial extractive uses, and storage and stockpiling yards.

(2) Structures accessory to uses detailed in Sections 151.05(A)(1) and 151.05(C)(1).

(D) Standards for Conditional Uses in Floodway. In addition to the applicable standards detailed in Sections 151.04, 151.05(B) and 151.11(B):

(1) Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by the City of Mountain Iron.

(2) Accessory Structures. Structures accessory to the uses detailed in Sections 151.05(A)(1) and 151.05(C)(1) must be constructed and placed so as to offer a minimal

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obstruction to the flow of flood waters, and are subject to the standards in Section 151.06(B)(3) of this Chapter.

SECTION 151.06 FLOOD FRINGE DISTRICT

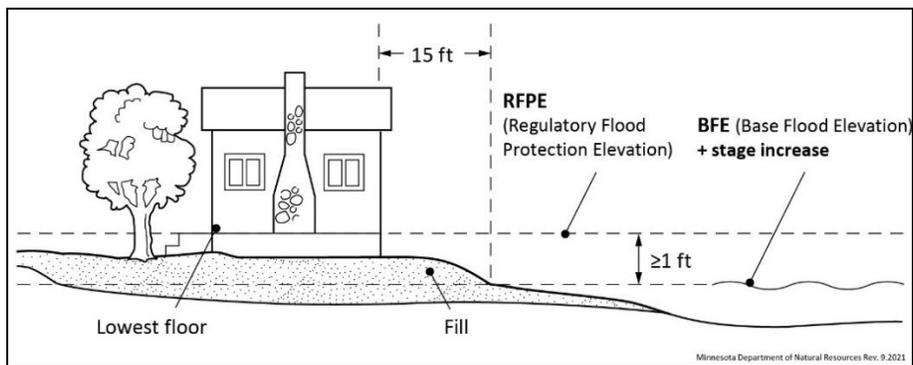
(A) Permitted Uses in Flood Fringe. Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sections 151.06(B).

(B) Standards for Permitted Uses in Flood Fringe. In addition to the applicable standards detailed in Section 151.04:

(1) Residential Structures.

(a) Elevation on Fill. Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 2.0 of this chapter, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 6.31 of this chapter (Figure 2). Construction of this type shall only be permitted in locations where the natural ground is no lower than three feet below the base flood elevation.

Figure 2: Overview of fill standards for residential structures.



(2) Nonresidential Structures. Nonresidential structures must meet one of the following construction methods:

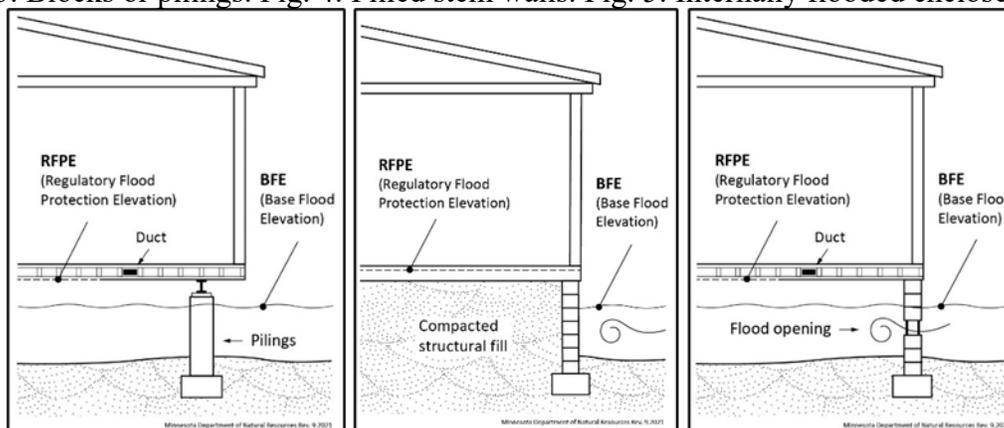
(a) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 151.06(B)(1)(a) of this chapter. Fill for nonresidential

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structures is not required to be extended 15 feet beyond the outside limits of the structure.

(b) Alternative Elevation Methods. Structures may be elevated using methods alternative to the fill standards in Section 151.06(B)(1)(a) of this chapter. Such methods include the use of blocks, pilings (Figure 3), filled stem walls (Figure 4), or internally-flooded enclosed areas (Figure 5) such as crawl spaces, attached garages, or tuck under garages.

Fig. 3: Blocks or pilings. Fig. 4: Filled stem walls. Fig. 5: Internally flooded enclosed area.



Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in FEMA Technical Bulletin 1, as amended, as well as the following standards:

(i) The lowest floor, as defined in Section 2.0 of this chapter, shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).

(ii) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.

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

(iiii) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed. Such areas shall be subject to a deed-restricted

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non-conversion agreement as well as periodic inspections with the issuance of any permit.

(c) **Dry Floodproofing.** Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

(i) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);

(ii) Must meet the standards of FEMA Technical Bulletin 3, as amended; and

(iii) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

(3) **Accessory Structures.** All accessory structures must meet the following standards:

(a) Structures shall not be designed or used for human habitation.

(b) Structures will have a low flood damage potential.

(c) Structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage, except as provided under Section 151.06(B)(3)(e). Structures not meeting the standards of Sections 151.06(B)(3)(a)-(c) must be designed and constructed in accordance with floodplain management requirements based on whether the structure is residential or nonresidential. Residential structures must meet the requirements of Section 151.06(B)(1), and nonresidential structures must meet the requirements of Section 151.06(B)(2).

(d) Structures with two or more rigid walls, must meet one of the following construction methods:

(i) **Wet Floodproofing.** Structures may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. Portions of structures below the RFPE must

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be constructed of flood damage-resistant materials. Utilities must be elevated above the RFPE and any utility lines below the RFPE shall be constructed so as to prevent floodwaters from entering or accumulating within them. Wet floodproofed structures must be anchored to resist flotation, collapse, and lateral movement.

(ii) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 151.06(B)(1)(a) of this chapter. Fill is not required to be extended 15 feet beyond the outside limits of the structure.

(iii) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 151.06(B)(3)(d)(ii), and must meet the standards in Section 151.06(B)(2)(b) of this chapter.

(iii) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 151.066(B)(2)(c) of this Chapter.

(e) Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, meeting the standards in Section 151.04(B)(1) of this chapter may be located at an elevation below the Regulatory Flood Protection Elevation, exceed 576 square feet in size, and may include uses as provided under Section 151.06(A).

(4) All new principal structures must provide vehicular access no lower than one foot below the Base Flood Elevation (BFE), unless a flood warning/emergency evacuation plan has been approved by the City of Mountain Iron.

(5) Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the City of Mountain Iron that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

(6) Manufactured homes and recreational vehicles must meet the standards of Section 10 of this chapter.

(C) Conditional Uses in Flood Fringe. The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 151.06(D):

(1) Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 151.06(B)(1).

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(D) Standards for Conditional Uses in Flood Fringe. In addition to the applicable standards detailed in Sections 151.04, 151.06(B) and 151.11(B):

(1) All residential structures with lowest floors elevated through alternative elevation methods must meet the standards in Section 151.06(B)(2)(b) of this Chapter.

SECTION 151.07 GENERAL FLOODPLAIN DISTRICT

(A) Permitted Uses in General Floodplain District

(1) Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Section 5.0

(2) All other uses are subject to a floodway/flood fringe determination as provided in Section 101.07(D), in addition to the standards provided in Sections 151.07(B) and 151.07(C). Permitted uses shall be determined as follows:

(a) If the development is determined to be in the Floodway District, Section 151.05 applies.

(b) If the development is determined to be in the Flood Fringe District, Section 151.06 applies.

(B) Determining Flood Elevations

(1) All development requires a determination of the Base Flood Elevation (BFE). Proposed developments of more than 50 lots or 5 acres, whichever is lesser, must use detailed methods for determining the BFE. This may include use of supporting A Zone modeling and the “shoreland method,” when eligible, on lakes. Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR’s Lake & Flood Elevations Online (LFEO) Viewer).

(2) The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

(C) Encroachment Analysis

(1) Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point, unless through a map revision following the procedures in Sections 151.11(A)(5) and 151.14. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic

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and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

(2) Alterations or changes that result in stage decreases are allowed and encouraged.

(D) Standards for the Analysis of Floodway Boundaries

(1) Requirements for Detailed Studies. Any development, as requested by the Zoning Administrator, shall be subject to a detailed study to determine the Regulatory Flood Protection Elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and FEMA Guidelines and Standards for Flood Risk Analysis and Mapping, as revised. Additionally:

(a) A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and

(b) An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.

(2) Other Acceptable Methods. For areas where a detailed study is not available or required:

(a) Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.

(b) For areas where the floodway has not been determined in and along lakes, wetlands, and other basins, the following methodology may be used as an alternative to Item A above, provided these areas are not affected by velocities and the lot is able to accommodate a building site above the Regulatory Flood Protection Elevation (RFPE):

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(i) All areas that are at or below the ordinary high water level, as defined in Minnesota Statutes, section 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high water level will be considered flood fringe, provided that within 25 feet of the ordinary high water level, or within the Shore Impact Zone as identified in the community's Shoreland ordinance, whichever distance is greater, land alterations shall be restricted to:

(x) The minimum required to accommodate beach areas, access areas, and accessory structures as permitted, not to exceed a volume greater than 10 cubic yards; projects involving volumes exceeding 10 cubic yards require floodway/flood fringe determination in accordance with the procedures in Section 151.07(D)(2)(a); and

(xx) The minimum required to accommodate shoreline stabilization projects to correct an identified erosion problem as verified by a qualified resource agency or the zoning administrator.

SECTION 151.08 SUBDIVISION STANDARDS

(A) Subdivisions. All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this chapter.

(1) All lots within floodplain districts must be suitable for a building site outside of the Floodway District.

(2) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of Mountain Iron.

(3) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of Mountain Iron.

(4) The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

SECTION 151.09 PUBLIC AND PRIVATE UTILITIES, SERVICE FACILITIES, ROADS, BRIDGES, AND RAILROADS

(A) Public Transportation Facilities. Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential

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to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

(B) **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

(C) **Private On-Site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.** Private facilities shall be subject to applicable provisions detailed in Section 151.09(B). In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

SECTION 151.10 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

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

(1) New and replacement manufactured homes must be placed and elevated in compliance with Section 6.0 of this chapter and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(2) New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 8.0 of this chapter.

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

- (1) Meet the requirements for manufactured homes in Section 151.10(A), or
- (2) Be travel ready, meeting the following criteria:

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- (a) The vehicle must be fully licensed.
- (b) The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
- (c) No permanent structural type additions may be attached to the vehicle.
- (d) Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 151.04 and 151.06(B)(3).

SECTION 151.11 ADMINISTRATION

(A) Duties. A Zoning Administrator or other official must administer and enforce this chapter.

(1) Permit Application Requirements. Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:

- (a) A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
- (b) Location and detail of grading, fill, or storage of materials.
- (c) Copies of any required local, state or federal permits or approvals.
- (d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

(2) Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:

- (a) All certifications for dry floodproofing and alternative elevation methods, where applicable.
- (b) Analysis of no-rise in the Floodway District, as detailed in Section 5.21, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 151.07(B)(2) and 151.07(C)(1).
- (c) Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed.

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Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.

(d) Substantial damage and substantial improvement determinations, as detailed in Section 151.12(A)(3), including the cost of improvements, repairs, and market value.

(e) All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

(3) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this chapter.

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

(5) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of Mountain Iron must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within the General Floodplain District, a map revision is only required if development results in stage increases greater than 0.5 feet.

(B) Conditional Uses and Variances

(1) Process.

(a) An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this Chapter.

(b) An application for a variance to the provisions of this chapter will be processed and reviewed in accordance with Minnesota Statutes, Section 462.357, Subd. 6(2) and this Chapter.

(2) Additional Variance Criteria. The following additional variance criteria must be satisfied:

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

(b) Variances from the provisions of this chapter may only be issued by a community upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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

(d) Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

(e) Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).

(f) The Zoning Administrator must notify the applicant for a variance in writing that:

(i) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(ii) Such construction below the base flood level increases risks to life and property. Notification must be maintained with a record of all variance actions.

(3) Considerations for Approval. The City of Mountain Iron must consider all relevant factors specified in other sections of this chapter in granting variances and conditional use permits, including the following:

(a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments.

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(b) The danger that materials may be swept onto other lands or downstream to the injury of others.

(c) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(4) Conditions of Approval. The City of Mountain Iron may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:

(a) Limitations on period of use, occupancy, and operation.

(b) Imposition of operational controls, sureties, and deed restrictions.

(c) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

(d) Other conditions as deemed appropriate by the Zoning Administrator and Planning and Zoning Commission.

(C) Notifications to the Department of Natural Resources

(1) All notices of public hearings to consider variances or conditional uses under this chapter must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

(2) A copy of all decisions granting variances and conditional uses under this chapter must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

SECTION 151.12 NONCONFORMITIES

(A) Continuance of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

(1) Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 151.07(C), or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.

(2) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this chapter, shall not increase the

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flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

(3) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 151.12(B), it may not be reconstructed except in conformity with the provisions of this chapter. Any structures located outside the one-percent annual chance floodplain are exempt from this provision.

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

(5) If any nonconforming structure has utilities, electrical, or mechanical equipment damaged due to flooding, it must be rebuilt in conformance with the elevation requirements in Section 151.04(B)(1)(d) to the greatest extent practicable. This requirement shall apply regardless of the determinations made in Section 151.12(B).

(B) Substantial Improvement and Substantial Damage Determinations. Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

(1) Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.

(2) Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.

(a) Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.

(b) Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.

(3) Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 151.02 of this Chapter.

(a) For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all

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rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.

(b) If any nonconforming structure experiences a repetitive loss, as defined in Section 151.02 of this Chapter, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this chapter.

(4) Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this chapter.

SECTION 151.13 VIOLATIONS AND PENALTIES

(A) Uses in Violation of the Chapter. Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this chapter shall be considered a public nuisance.

(B) Civil Remedies. The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this chapter may be abated by an action brought by the City of Mountain Iron or the Department of Natural Resources.

(C) Enforcement. Violations of the provisions of this chapter constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of Mountain Iron must act in good faith to enforce these official controls and to correct chapter violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SECTION 151.14 AMENDMENTS

(A) Chapter Amendments. Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 151.3(B) of this Chapter.

(B) Required Approval. All amendments to this chapter must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain chapter shall not be considered valid until approved.

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CHAPTER 152: WETLAND CONSERVATION

Section

- 152.01 Purpose
- 152.02 Incorporation by reference
- 152.03 Scope
- 152.04 Procedures
- 152.05 High priority areas
- 152.06 Delegation

§ 152.01 PURPOSE.

This section is adopted to implement the Wetland Conservation Act of 1991 (Minnesota Laws 1991, Chapter 354, as amended) and the accompanying rules of the Minnesota Board of Water and Soil Resources (Minn. Rules, Chapter 8420, as it may be amended from time to time). (Prior Code, § 29.01)

§ 152.02 INCORPORATION BY REFERENCE.

This chapter incorporates by reference the Act and the Rules. Terms used in this chapter which are defined in the Act or the Rules have the meanings given there. (Prior Code, § 29.02)

§ 152.03 SCOPE.

This chapter regulates the draining and filling of wetlands and parts of wetlands within the city. It is part of the official controls of the city. Conflicts with other official controls must be resolved in favor of providing the most wetland protection. (Prior Code, § 29.03)

§ 152.04 PROCEDURES.

(A) *Exemption and no-loss determinations.* Exemption and no-loss determinations under Minn. Rules, parts 8420.0210 and 8420.0220, as they may be amended from time to time, shall be made by the Zoning Administrator. The Administrator should seek the advice of the technical evaluation panel on questions of wetland delineation and type. The Administrator's decision is final unless appealed to the Board of Adjustment within 30 days.

(B) *Sequencing and replacement plan decisions.* Sequencing and replacement plan decisions under Minn. Rules, part 8420.0520 through 8420.0550, as they may be amended from time to time, shall be made following the same procedures as for conditional use permits, plus the additional notice and time requirements of Minn. Rules, part 8420.0230, as it may be amended from time to time. If the amount of wetland to be drained or filled is less than one-tenth of an acre, the sequencing determination under Minn. Rules, part 8420.0520, as it may be amended from time to time, shall be made by the Zoning Administrator.

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(C) *Monitoring.* The Zoning Administrator shall assure that the replacement plan monitoring and enforcement requirements of Minn. Rules, parts 8420.0600 through 8420.0630, as they may be amended from time to time, are fulfilled.

(D) *Wetland banking.* Wetlands may be restored or created within the city for purposes of deposit in the wetland bank in accordance with Minn. Rules, parts 8420.0700 through 8420.0760, as they may be amended from time to time. The Zoning Administrator is responsible for approving bank plans, certifying deposits and monitoring of banked wetlands and enforcement under the rules.

(E) *Appeals.* Decisions made under this section may be appealed to the Board of Water and Soil Resources under Minn. Rules, part 8420.0250, as it may be amended from time to time, after administrative appeal rights under the official controls have been exhausted.

(F) *Variations.* The Board of Adjustment may issue variances from the official controls of the city so long as the variances do not vary requirements of the Act or the Rules.

(G) *Technical evaluation panel.* The City Council shall appoint a person to serve on the technical evaluation panel. The person must be a technical professional with expertise in water resources management.

(H) *Determination of technical evaluation panel.* Decisions under this section must not be made until after receiving the determination of the technical evaluation panel regarding wetland public values, location, size and/or type if the decision-maker, the landowner or a member of the technical panel asks for such determinations. This requirement does not apply to wetlands for which such data is included in an approved comprehensive wetland management plan per Minn. Rules, part 8420.0240, as it may be amended from time to time.

(I) *Recommendations of technical evaluation panel.* The Planning Commission may seek and shall consider recommendations, if any, made by the technical evaluation panel in making replacement plan decisions.
(Prior Code, § 29.04)

§ 152.05 HIGH PRIORITY AREAS.

Decisions regarding sequencing, replacement plans and banking shall particularly favor preservation, restoration and creation of wetlands in high priority areas as identified in water management plans pursuant to Minn. Rules, part 8420.0350, as it may be amended from time to time.

(Prior Code, § 29.05)

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§ 152.06 DELEGATION.

The City Council may by joint powers agreement delegate to the soil and water conservation district under M.S. §§ 471.59 and 103C.331, Subd. 19, as it may be amended from time to time, the authority to administer all or any part of this section.
(Prior Code, § 29.06)

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CHAPTER 153: SUBDIVISION REGULATIONS

Section

General Provisions

- 153.01 Purpose
- 153.02 Definitions
- 153.03 Variances
- 153.04 Enforcement
- 153.05 Fees

Preliminary Plan and Final Plat

- 153.20 Procedure for submitting preliminary plan
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GENERAL PROVISIONS

§ 153.01 PURPOSE.

(A) The Subdivision and Platting Section of the city sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public.

(B) More specifically, the provisions of this chapter are designed to:

(1) Assure that to the maximum extent possible all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence;

(2) Encourage well-planned subdivisions through the establishment of adequate design standards;

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- (3) Create neighborhoods which will be of lasting credit to the community;
 - (4) Facilitate adequate provisions for transportation and other public facilities;
 - (5) Secure the rights of the public with respect to public lands and waters;
 - (6) Improve land records by the establishment of standards for surveys and plats;
 - (7) Safeguard the interest of the public, the homeowner, the subdivider and units of local government;
 - (8) Provide common ground for understanding between developers and local units of government;
 - (9) Prevent, where possible, excessive governmental operating and maintenance costs;
 - (10) Provide for the safe and orderly flow of traffic.
- (Prior Code, § 24.01)

§ 153.02 DEFINITIONS.

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

ATTORNEY. The City Attorney of Mountain Iron, Minnesota or his or her authorized representative.

BLOCK. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision or a combination of the above with a river, lake or rail line.

COMPREHENSIVE GUIDE. Compilation of policy statements, objectives, standards and maps for guiding the physical, social and economic development, both public and private of the municipality and its environs, as defined in the Minnesota Municipal Planning Act.

ENGINEER (CITY ENGINEER). The City Engineer of Mountain Iron, Minnesota or his or her authorized representative.

LOT. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage in area and to provide such yards and other open spaces as are therein required; provided that in no case of subdivision shall any residual lot or parcel be created which does not

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meet the requirements of this chapter. Such lot shall have frontage on a dedicated street and it shall consist of:

- (1) A single lot of record, or a portion of a lot of record; or
- (2) A combination of complete lots of record and/or portions of lots of record;

or

- (3) A parcel of land described by metes and bounds.

LOT (BUTT). A lot at the end of a block and located between two corner lots.

LOT (WIDTH). The width of a lot is its own mean width measured at right angles to its mean depth.

OWNER. An owner is any individual, firm, association, syndicate, co-partnership, corporation trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PEDESTRIAN WAY. The right-of-way across or within a block for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or however otherwise designated.

PERSON. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity.

PLANNING COMMISSION. The Planning and Zoning Commission of Mountain Iron, St. Louis County, Minnesota.

SETBACK. The minimum horizontal distance between a building and a street or lot line.

STREETS and ALLEYS.

(1) **STREET.** A public way for vehicular travel, whether designated as a street, highway, thoroughfare, parkway, throughway, road or arterial, land place or however otherwise designated.

(2) **ARTERIAL STREET.** A street which is a principal route through the city or between two parts of the city and includes thoroughfares, freeways, highways and the like.

(3) **COLLECTOR STREET.** A street which carries traffic from minor streets to thoroughfares, freeways, highways and the like, it includes the principal entrance streets of a residential development and streets for circulation within such a development.

(4) **MINOR STREET.** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

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(5) **ALLEY.** A minor way which is used primarily for vehicular access to the back or the side of properties abutting on a street.

(6) **CUL-DE-SAC.** A minor street with only one outlet and having a turnaround.

(7) **HALF-STREET.** A public right-of-way having only half the required width as specified in § 153.35.

(8) **PRIVATE STREET.** A way for vehicular traffic which is not owned and maintained by the municipality.

(9) **STREET WIDTH.** The shortest distance between the lines delineating the right-of-way of a street.

SUBDIVISION. The division of a lot into two or more lots for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a lot, provided that the following shall not be deemed a subdivision:

(1) The division of a lot into lots of five acres or more with a minimum width of 300 feet and not involving a new street;

(2) One division of a lot into lots in any 12 month period of time, provided that said lots shall meet the minimum area and width requirements of the sewage disposal regulations of the zoning ordinance regulations applying to the area in which said lots are located;

(3) Transfers of interest in land pursuant to court order.

SUBDIVIDER. The owner, agent or person having control of such land as the term is used in this chapter.

SURVEYOR. A land surveyor duly registered by the State of Minnesota.
(Prior Code, § 24.02)

§ 153.03 VARIANCES.

(A) The Planning Commission may recommend a variation to the City Council from the requirements of subdivision planning procedures or public improvements in specific cases when the track to be subdivided is of such unusual size, shape or character or is surrounded by such development or unusual conditions that the strict compliance with the requirements of this chapter would result in substantial hardship or injustice or when a group housing or cluster development is proposed.

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(B) The standards and requirements of these regulations may be modified by the City Council in the case of plans which in the judgement of the Council achieve substantially the objectives of this chapter and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

(C) In recommending any variation, the Commission shall take into account the following:

(1) The location of the proposed subdivision, proposed land use and existing use of the land in the vicinity;

(2) The number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity;

(3) Those variations that will allow the subdivider to develop his or her property in a reasonable manner and at the same time preserve the general intent and spirit of this chapter and protect the public welfare and interests of the city;

(4) In granting variances and modifications, the Council may impose such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

(D) Application for any variation shall be submitted in writing by the subdivider at the time the preliminary plat is filed and shall state fully the grounds for the application and the facts relied upon by the petitioner. The request for the variance shall be noted in the notice of public hearing regarding the preliminary plan. The Commission shall consider such application at the meeting on the preliminary plan and give its written recommendations thereon, with the reasons therefor, at the time of its approval or disapproval of said plan. The Council shall consider the variance application concurrently with the preliminary plan and within the same time framework.

(E) Attention is called to the Planned Unit Development procedure set forth in § 154.030. The Planned Unit Development procedure is basically a development procedure that is a variance to the entire subdivision process.
(Prior Code, § 24.09)

§ 153.04 ENFORCEMENT.

Unless approved as a final plat as provided herein, no subdivider shall be entitled to record in the County Register of Deed's office or have any validity and the City Administrator shall not issue building permits for any structure on a lot in any proposed subdivision. The Council shall not permit any public improvements to be installed unless the preliminary plat is approved and shall not permit any services until approval of the final plat and recording of same.
(Prior Code, § 24.10(1))

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§ 153.05 FEES.

The fees for submission of plans and estimated legal and engineering costs and the like shall be established by the City Council by resolution.
(Prior Code, § 24.11)

PRELIMINARY PLAN AND FINAL PLAT

§ 153.20 PROCEDURE FOR SUBMITTING PRELIMINARY PLAN.

(A) *Sketch plan.* The subdividers should meet with the City Planning Commission, the City Administrator and other appropriate officials (the City Engineer and the like) in order to become fully aware of all applicable ordinances, regulations and plans in regards to the proposed subdivision. Subdividers are also invited to prepare for review with the Planning Commission and other appropriate officials a proposed subdivision sketch plan which, in order to be most useful, should contain the following information:

- (1) Site map showing streets, schools, commercial centers and other significant developments;
- (2) Subdivision boundaries;
- (3) North arrow and scale;
- (4) Streets within, adjacent and servicing the tract;
- (5) Topography and physical features;
- (6) Proposed general street design;
- (7) Proposed lot size and orientation.

(B) *Submission of such sketch plan shall not constitute formal filing of a preliminary plan.* The intent of the sketch plan is to allow the Planning Commission to point out any deficiencies in the plan and to recommend any modification necessary to bring the plan into conformance with the applicable ordinances and regulations.

(C) *Preliminary plan.*

(1) *Filing.* Before subdividing any tract of land, the subdivider shall file with the City Administrator:

- (a) Fifteen copies of the preliminary plan, said plan being in compliance with § 153.22;

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(b) Applicable fee pursuant to § 153.05;

(c) The sum required to prepay all planning, engineering and legal expenses incurred by the city for the review of the proposed plan, based upon the estimate of the Council.

(2) *Distribution to other agencies.* The City Administrator shall refer one copy of the preliminary plan to each of the following agencies:

(a) County Highway Engineer, County Board of Health if septic systems are to be reutilized, Mountain Iron School Board, City Engineer and the Mountain Iron Department of Public Utilities, and to the Commissioner of Transportation for review if the plat includes or borders on a trunk highway, for review and report;

(b) If within 30 days any agency fails to submit a report, the city may proceed on the assumption that the agency has approved the plat.

(3) *Hearing.* The Planning Commission shall hold a public hearing and shall submit a recommendation to the City Council within 60 days of the date of receipt by the City Administrator of the preliminary plan. The public hearing shall be conducted after notice of time, place and purpose thereof has been published in the official newspaper at least ten days before the day of the hearing.

(4) *Scope of review.* The Planning Commission shall determine whether such preliminary plan conforms to the design standards set forth in this section and conforms to the adopted comprehensive city plan.

(5) *Council approval.* Within 30 days after receipt of the recommendation of the Planning Commission, the City Council shall act to approve or disapprove the preliminary plan. If disapproved, the reason for disapproval shall be set forth in the minutes of the Council.

(6) *Approval.* Approval of a preliminary plan shall not constitute approval of the final plat. Approval of a preliminary plan is hereby limited to a period of 12 months. (Prior Code, § 24.03)

§ 153.21 FINAL PLAT.

(A) *Final submitted.* The subdivider shall file three hard shell and two linen copies of the final plat for consideration by the Planning Commission and the City Council incorporating all changes or modifications required as conditions of approval of the preliminary plat as approved. The plat shall be complete as to the information required pursuant to this section.

(B) *Evidence of ownership.* The subdivider shall also submit an up to date and certified abstract of title or registered property certificate or such other evidence of title as required by the City Attorney.

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(C) *Review.* The City Administrator shall submit the final plat to the Planning Commission who shall consider the same within 30 days of the time of this receipt by the City Administrator. The Planning Commission shall give its recommendation to the City Council and the City Council shall act on the final plat within 60 days from the time of receipt of the final plat, unless a longer time is agreed to by the subdivider.

(D) *Standards for review.* A final plat shall not be approved unless it:

- (1) Conforms to the preliminary plan approved by the Council;
- (2) Meets the minimum design standards and engineering specifications set forth in this section;
- (3) Conforms to the comprehensive zoning ordinance of the city;
- (4) Meets the requirements of the applicable laws of the State of Minnesota;
- (5) Has been reviewed by those responsible for the provision of gas, electric and telephone service and evidence has been presented that the plat has been approved by those entities.

(Prior Code, § 24.04)

§ 153.22 DATA REQUIRED FOR PRELIMINARY PLAN.

The following information shall be included on or submitted with the preliminary plan, the scale shall not be greater than 100 feet per inch:

(A) Identification and description:

- (1) Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the city. Short names are preferable;
- (2) Location of subdivision by section, town, range or by other legal description, together with small-scale sketch showing location within the section;
- (3) Names and addresses of the owner, subdivider, surveyor and designer of the plat;
- (4) Graphic scale and north arrow;
- (5) Date of preparation.

(B) Existing conditions in the tract and in a reasonable area surrounding the tract:

- (1) Property lines;

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- (2) Areas proposed for non-residential use;
 - (3) Total acreage of proposed plat; (Acreage of individual lots in preliminary plat only.)
 - (4) Platted streets, railroad right-of-way and utility easements;
 - (5) Permanent buildings or other structures;
 - (6) Location of existing sewers, water mains, culverts or other underground facilities.
- (C) Wooded areas in outline only.
- (D) Subdivision design features:
- (1) Layout of proposed streets, showing right-of-way widths and names of streets;
 - (2) Location and widths of proposed pedestrian ways and utility easements;
 - (3) Layout, numbers and approximate dimensions of lots;
 - (4) Areas, other than streets, pedestrian ways and utility easements intended to be dedicated or reserved for public use, including the size of such area or areas in acres;
 - (5) Minimum front and side street building setback lines indicating dimensions;
 - (6) If a replat, the original lot and block arrangements shown in dotted or dash lines;
 - (7) The location of all monuments.
- (E) In addition to the plat, the following information shall be required and filed with the preliminary plat:
- (1) A topographic map at the same scale as the preliminary plat showing proposed lot lines existing and proposed topography, street center line grades, water courses, marshes, vegetation and other significant features;
 - (2) Soil absorption tests where septic tanks are proposed in accord with the city sewer and water ordinance;

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(3) A schematic utility plan for water, sanitary and storm sewers and drainage and including the proposed location, gradient and size of such proposed sewer and waterlines;

(4) A map indicating plans for the development of the entire area if the proposed plat is a portion of a larger holding intended for subsequent development;

(5) Proposed restrictive covenants and a copy of any restrictive covenants pertaining to adjacent properties;

(6) Other reasonable information as requested by the Planning Commission.
(Prior Code, § 24.05)

§ 153.23 DATA REQUIRED FOR FINAL PLAT.

(A) The final plat shall be prepared in accordance with the applicable provisions of M.S. Chapter 505, §§ 505.02, 505.03, 505.04, 505.08 and 505.32, as they may be amended from time to time, or other applicable provisions of the statute as from time to time provided.

(B) The final plat shall include certification by the owner and surveyor and certificate of approval by the city and certificates regarding taxes by the County Treasurer and County Auditor and the certificate of filing by the Register of Deeds.

(C) The final plat shall incorporate an identification system for all lots and blocks, which shall perpetuate the existing numbering system within the city.
(Prior Code, § 24.06)

§ 153.24 SUBDIVISION IMPROVEMENTS.

(A) *Conformity with construction plans.* Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans, approved by the City Engineer and in conformity with all applicable standards and ordinances, the following on the site.

(1) *Monuments.* Monuments of a permanent character as required by M.S. § 505.02, as it may be amended from time to time, shall be placed at each corner or angle on the outside boundary of the subdivision. Pipes or steel rods shall be placed at each corner of each lot and at each intersection of street centerlines.

(2) *Streets and alleys.* All streets and alleys shall be graded to their full width except in areas where tree cover and topography can and should be preserved. All streets and alleys shall have an adequate subbase and shall be improved with an all-weather surface in accordance with city design standards.

(3) *Curb and gutter.* Permanent curb and gutter shall be installed on both sides of each improved street dedicated in the plat, except in those areas zoned RR and UR 108.9.

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(4) *Water supply.* When a proposed subdivision is located adjacent to or reasonably near the existing service area of a public water system, water lines shall be extended and service connections shall be stubbed into the property line of each lot. Fire hydrants should also be provided.

(5) *Sewage disposal.* Sanitary sewer mains and service connections shall be installed to service all lots less than two and one-half acres in size and shall be connected to the public system.

(6) *Storm drainage.* A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Such system shall include those items of design as the City Engineer requires and may include storm sewers, drain inlets, manholes, culverts and the like.

(7) *Street signs.* Street signs of a standard design approved by the City Engineer shall be installed at each street intersection.

(8) *Public utilities.* All utility lines for telephone and electrical services shall be placed underground.

(9) *Street lighting.* Street lighting shall be required in all subdivisions and plans shall be approved by the City Engineer, except RR and UR 108.9.

(10) *Pedestrian ways.* All walkways adjacent to streets or otherwise defined by easement shall be improved to adequately accommodate pedestrian traffic.

(11) *Street trees.* Street trees shall be planted by the developer in accordance with the standards of the city.

(12) *Boulevard sodding.* Boulevard strips shall be sodded.

(B) *Financial guarantees.*

(1) *Payment.* The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be furnished and installed at the sole expense of the subdivider and at no expense to the public. If any improvements installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the City Council may make provision for causing a portion of the cost of the improvement representing the benefit to such lands to be assessed against the same and in such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

(2) *Required improvement contract.* Prior to installation of required improvements and prior to approval of the final plat, the subdivider shall enter into a contract with the city requiring that the subdivider furnish and construct said improvements at his or her

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expense and in accordance with plans and specifications to be approved by the City Engineer and that said improvements will be dedicated to the public. The contract shall stipulate the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the city's authority to inspect the construction and the amount of the escrow deposit or performance bond to be furnished in accordance with subsection (3) below. Alternatively, the city in its discretion may require that, or at the request of the subdivider may agree to, undertake the installation of the required improvements, in which event, the subdivider shall enter into a contract with the city agreeing to pay the expense thereof, including all construction, engineering, legal, financing and administrative costs incurred by the city by reason thereof; by such contract the developer shall agree to the method and schedule of payment to the city as determined by the city, and, if required, shall agree to furnish the escrow deposit or surety bond described in subsection (3) below.

(3) *Financial guarantee.* Prior to the approval of the final plat, if the subdivider is to undertake the installation of the required improvements, he or she shall make escrow deposit or, in lieu thereof, furnish a performance bond equal to the total construction cost of the improvements as estimated by the City Engineer, and including the cost of inspection by the city, or, if the city undertakes the installation of the improvements, and if requested by the city, the subdivider shall make an escrow deposit or, in lieu thereof, furnish a surety bond in the amount of the sum he or she has agreed to pay the city for the installation of said improvements. Any such deposit or bond shall accrue to the city in case of default of the subdivider. In case of default the city shall appropriate any such deposit and pursue its remedies provided by any such bond. The term of any deposit or bond shall be specified by the city. Any bond must be subject to approval by the city. Deposits shall be made with the Treasurer of the city or with a responsible escrow agent acceptable to the city. The city may agree to provide for reduction of the amount of any bond or deposit by reason of completion of, or payment for, the improvements for which said bond or deposit has been made. Nothing herein shall preclude the city from making special assessments against benefitted property for improvements made on it.

(C) *Construction plans and as-builts.*

(1) *Construction plans.* Construction plans for the required improvements conforming in all respects to the standards of the city and the applicable ordinances shall be prepared at the subdividers expense by a professional engineer who is registered in the State of Minnesota and said plans shall contain his or her seal. Such plans together with the quantity of construction items shall be submitted to the City Engineer for his or her approval.

(2) *As-builts.* Upon City Engineer's certificate of compliance, the subdivider shall furnish the city with as-built drawings prepared by a registered engineer showing the improvements as-built or in place.

(Prior Code, § 24.08)

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SUBDIVISION DESIGN STANDARDS

§ 153.35 STREETS.

(A) *Widths.* Street right-of-way widths shall be as shown in the Comprehensive Guide Plan and, where applicable, shall conform to county and state standards for trunk highways. In general, minimum widths should be as follows:

- (1) Freeways, 300 feet;
- (2) Arterials, 100 feet;
- (3) Collectors, 75 feet;
- (4) Minor streets, 66 feet.

(B) *Horizontal alignment.* Bends in horizontal street alignment shall be platted in simple curves. The centerline radius of these curves shall be a minimum of 300 feet for collector streets and 100 feet for minor streets.

(C) *Vertical alignment.* Different connecting street gradients shall be connected with vertical curves. Minimum sight distance shall be 250 feet for minor streets and 300 feet for collector streets measured from points five feet above the street centerline.

(D) *Minimum and maximum grades.* Minimum 0.5%; maximum 4% for collector streets, 7% for minor streets.

(E) *Minimum carrying capacity.* Seven-ton axle loading for minor streets, nine-ton axle-loading base on traffic volumes for arterial and collector streets.

(F) *Local streets.* Minor streets shall be laid out so that their use by through traffic will be discouraged.

(G) *Culs-de-sac.* Maximum length: 500 feet. Minimum radius of turnaround (right-of-way): 60 feet. Where certain topographic features or other unusual circumstances dictate, special consideration may be given to longer culs-de-sac.

(H) *Direct access to major thoroughfares.* In the case where a proposed plat is adjacent to a freeway, arterial or collector street, there shall be no direct access from individual lots to such major thoroughfares except where the lands to be platted are zoned rural residential or UR-108.9. In the platting of small tracts of land fronting on major thoroughfares, where no other access is available, a temporary entrance permit may be granted by the State or County Highway Department. Provision shall be made in such plats for the connection of roads to neighboring land. As the neighboring land is platted and developed, and alternate means of access becomes possible, such temporary entrance permits shall become void.

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(I) *Half-streets.* Half-streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case, the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision.

(J) *Private streets.* Private streets shall not be permitted nor shall public improvements be approved for private reasons.

(K) *Stub streets.* Where adjoining lands are not subdivided, some of the streets in the new subdivision shall be required to be extended to the boundary line of the tract to make provision for future access into adjacent areas.

(L) *Street continuation and extension.* The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions where appropriate.

(M) *Street location and dedication.* All subdivisions shall be required to conform to the Comprehensive Guide Plan. Arterial and collector streets shown on the Guide Plan shall be dedicated, in the locations and widths shown, to the city as a condition of plat approval. (Prior Code, § 24.07(1))

§ 153.36 INTERSECTIONS.

(A) *Angle of intersection.* Street shall intersect as nearly to 90 degrees as possible. In no case shall streets intersect at less than 75 degrees.

(B) *Number of streets.* No more than two streets shall cross at any one intersection.

(C) *Centerline offsets.* The minimum distance between the centerline of offset intersections shall be 150 feet. (Prior Code, § 24.07(2))

§ 153.37 ALLEYS.

(A) Alleys should have a minimum right-of-way width of 30 feet and shall conform to the gradient requirements of minor streets.

(B) Alleys should be provided to the rear or side of all lots to be used for commercial or industrial use. (Prior Code, § 24.07(3))

§ 153.38 EASEMENTS.

(A) *Utilities.* Easements at least ten feet wide centered on the rear and side lots lines shall be provided for utilities where necessary and shall be dedicated to the public by appropriate

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language in the plat dedication. They shall have continuity of alignment from lot to lot and block to block.

(B) *Drainage.* Easements shall be provided along each side of any watercourse to establish a storm sewer, drainage or floodway right-of-way. Its boundaries shall conform substantially with the center line alignment of such watercourse. The easements shall be dedicated to the public by appropriate language in the plat dedication.

(C) *Protection.* Protective or scenic easements shall be provided to a depth of 100 feet from the high water line of all lakes, ponds and streams or to such logical natural ecological boundary as can be agreed upon by the owner and the city. The easements shall be dedicated to the public by appropriate language in the plat dedication.
(Prior Code, § 24.07(4))

§ 153.39 BLOCKS.

(A) *Arrangement.* A block shall be so designed as to provide two tiers of lots except where lots back onto a major street, natural feature, railroad or subdivision boundary, in which case, it may have a single tier of lots.

(B) *Length.* The maximum length of blocks shall be 1,500 feet and the minimum length 600 feet. Blocks over 900 feet long may require pedestrian ways at least ten feet wide at their approximate center.

(C) *Commercial and industrial areas.* Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of streets, railroad access right-of-way and utilities shall be provided as necessary.
(Prior Code, § 24.07(5))

§ 153.40 LOTS.

(A) *Location.* All lots shall abut for their full frontage on a publicly dedicated street.

(B) *Size.* The lot dimensions shall be such as to comply with the minimum lot areas specified in the zoning ordinance.

(C) *Butt lots.* Butt lots shall be prohibited.

(D) *Side lot lines.* Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

(E) *Water courses.* Lots abutting upon a water course, drainageway, channel or stream shall have sufficient depth and width to provide a minimum area of land not subject to

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flooding equal to the minimum lot dimensions specified in the zoning ordinance for the district in which the lots are located.

(F) *Drainage.* Lots shall be graded so as to provide drainage away from building locations.

(G) *Width related to depth.* To prevent narrow deep lots, the depth of a lot should not exceed two and one-half times the width as measured at the building line.

(H) *Double frontage lots.* Double frontage lots (lots with frontage on two parallel streets) shall not be permitted except where lots back to a major thoroughfare street. Such lots shall have an additional depth of at least ten feet in order to allow for screen planting along the back lot line.

(I) *Corner lots.* Corner lots shall be platted at least 15 feet wider than the minimum width required by the zoning ordinance.
(Prior Code, § 24.07(6))

§ 153.41 OPEN SPACE AND NATURAL FEATURES.

(A) *Public open spaces.* Where a proposed highway, school, park, recreation area or public access to water frontage shown on the Comprehensive Guide Plan is located in whole or in part in the applicants subdivision the Council shall require as a condition of final approval that such space within the subdivision be dedicated or reserved. Such land shall not be developed for a period of two years from the date of such final approval so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purpose not conforming to the official plan. If it is not so acquired and no legal action is filed by such public agency within such period said reservation shall be of no further effect and such lands may be used for other purposes.

(B) *Action of the city.* At the time of preliminary plan approval by the City Council, after consultation with the Joint Recreation Commission, the Council shall determine as a part of such approval whether to require a dedication of land within the subdivision for park or recreation purposes payment of a fee in lieu thereof or a combination of both. In making this determination, the Council shall include in its consideration the following factors:

(1) The topography, soils, access and location of land in the subdivision available for dedication;

(2) The size and shape of the subdivision and land available for dedication;

(3) How much land consisting of school playgrounds is available for combination with dedicated lands in the formation of local parks and recreational facilities; and

(4) The open space or local recreation facilities to be privately owned and maintained by future residents of the subdivision.

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(C) *Amount of land to be dedicated.* The subdivider or owner shall dedicate 5% of the total acreage proposed for subdivision for local parks. The location(s) of said parkland within the proposed subdivision is subject to the approval of the City Council at the time of their consideration of the preliminary plan.

(D) *Fees in lieu of land.* At the time of filing a preliminary plan for approval, the subdivider of the property may, as a part of such filing, include a petition to the City Council indicating that he or she desires to pay a fee in lieu of dedicating 5% of the area proposed for platting or indicating that he or she desires to dedicate a smaller portion of land and also to pay certain fees in lieu of dedicating land. The petition shall state which lands are proposed for dedication and shall indicate the reasons for the petition being submitted. The City Council shall consider the petition along with the preliminary plan and its approval of the preliminary plan shall indicate whether or not the petition is approved or disapproved. If the Council approves payment of certain monies in lieu of dedication of land then the subdivider shall pay a sum equal to the difference between 5% of the area proposed for subdivision minus the acreage actually being dedicated times the full cash value per acre of the property to be subdivided as determined by the latest market value as determined by an independent appraiser mutually acceptable to both the city and the subdivider. The cost of the appraisal, if any, shall be borne by the subdivider.

(E) *Prerequisite for approval of final plat.* When land is to be dedicated, it shall be offered for such dedication in substantially the same manner as for streets and easements. When a fee is required, it shall be deposited with the City Administrator prior to approval of the final subdivision map. The land and fees shall be held in trust by the city and administered by the Joint Recreation Commission until the Council delegate's responsibility to a special commission or association.

(F) *Credit for open space or local recreational facilities.* The City Council, after recommendation by the Planning Commission, may grant credit for open space or local recreational facilities to be privately owned and maintained by the future residents of the subdivision. Such credit, if granted in acres (or comparable amounts in in-lieu fees), shall be subtracted from the requirements for dedication or fees or both, as required above, provided:

(1) Yards, court areas, setback and other open areas required to be maintained by other regulations shall not be included in the private open space and recreation credit;

(2) Provision by written agreement is made that the areas shall be maintained adequately;

(3) Use of the private open space or recreation facilities is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be defeated or eliminated without the consent of the City Council. Covenants for private park or recreational facilities which are claimed for credit shall be submitted to the city prior to approval of the final subdivision map and shall be recorded contemporaneously with the final subdivision map;

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(4) Land which may be considered by the Council for credit toward required land dedication for local parks and recreational facilities or in-lieu fees includes but is not to be limited to the following:

- (a) Areas of scenic or natural reality;
- (b) Historic sites;
- (c) Existing or planned hiking, riding or motorless-type bicycle trails, including pedestrian walkways separated from public roads;
- (d) Existing or planned planting strips;
- (e) Landscaped portions of road parkways which are in excess of required road right-of-way widths for the road in question;
- (f) Lakeside or river reaches;
- (g) Private recreational facilities such as golf courses and swimming pools which are available to all of the owners or occupants of the lots located within the subdivision;
- (h) In the case of apartment and planned unit developments, open areas on the site of 20,000 square feet or more (exclusive of open areas required to be maintained by other regulations);
- (i) Parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation;
- (j) Other purposes or purposes recommended by the Council.

(G) *Access to local parks.* All lands offered in dedication for local park or recreational purposes shall have access on at least one existing or proposed public street. This requirement may be waived by the City Council if the Council determines that public street access is unnecessary for the maintenance of the park area or use thereof by the residents.

(H) *Planting strips.* Planting strips shall be placed along highways and railroad lines to screen the view and reduce noise levels in residential areas.
(Prior Code, § 24.07(7))

§ 153.99 PENALTY.

(A) Any person, firm or corporation who violates, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of these regulations or who sells or offers for sale or lease any lot or block of land herewith regulated before all the

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requirements of these regulations have been complied with shall be penalized as provided in § 10.99. The city may enjoin such penalty by action for injunction or may recover such penalty by a civil action in any court of competent jurisdiction.

(Prior Code, § 24.10(2))

(B) Any person who shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99 of this code.

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CHAPTER 154: ZONING CODE

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GENERAL PROVISIONS

§ 154.001 APPLICABILITY AND PURPOSE.

(A) *Preamble.* This chapter establishes city regulatory powers to the end that adequate light, pure air and safety from fire and other dangers may be secured; that the taxable value of land and buildings throughout the city may be conserved; that congestion in the public streets may be lessened or avoided; that wise subdivision, use and development of shorelands of public waters be practiced; and that the public health, safety, comfort, morals and welfare may otherwise be promoted; and to insure and facilitate the appropriate location for and use of structures and facilities in accord with the Comprehensive Guide Plan for the city.

(B) *Intent and purpose.* The intent and purpose of this chapter shall be:

- (1) To regulate and limit the height and bulk of buildings hereafter to be erected;
- (2) To establish, regulate and limit the building or setback lines on or along any street, traffic-way, drive or parkway;
- (3) To regulate and limit the intensity of use of lot areas and to regulate and determine the area of open spaces within and surrounding buildings hereafter erected;
- (4) To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses;

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(5) To divide the entire city into districts of such number, shape and area and of such different classes according to use of land and buildings, height and bulk of buildings, intensity of use of lot areas, areas of open spaces and other classifications as may be deemed best suited to regulate development;

(6) To fix standards to which buildings or structures therein shall conform;

(7) To prohibit uses, buildings or structures incompatible with the character of established districts;

(8) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed;

(9) To classify, regulate and restrict the use of property on the basis of land use relationships;

(10) To provide for conditional uses, including planned development, with the established districts;

(11) To provide administrative bodies and procedures as necessary to the implementation and enforcement of the various provisions of this chapter; and

(12) To provide regulations pertaining to pre-existing lots, structures and uses which do not conform to the regulations, standards, restrictions and limitations established by this chapter.

(C) *Shoreland management.*

(1) *Statutory authorization.* The shoreland provisions of this chapter are adopted pursuant to the authorization and policies contained in M.S. Chs. 103F.201 through 103F.221, as they may be amended from time to time, Minn. Regs., parts 6120.2500 through 6120.3900, as they may be amended from time to time, and the planning and zoning enabling legislation in M.S. Chapter 394 (for counties) or Chapter 462 (for municipalities), as they may be amended from time to time.

(2) *Policy.* The uncontrolled use of shorelands of the city affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the city.

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(3) *Jurisdiction.* The provisions of this chapter shall apply to the shorelands of the public water bodies as classified in §§ 154.045 *et seq.* Pursuant to Minn. Regs., parts 6120.2500 through 6120.3900, as they may be amended from time to time, no lake, pond or flowage less than ten acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government’s shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this chapter.

(D) *Scope; qualifications.*

(1) *Interpretation.* In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare. Where the provisions of the chapter impose greater restrictions than those of any statute, other provision of the city code or regulation, the provisions of this chapter shall be controlling. Where any use or uses are not listed in the provisions of this chapter as permitted uses and/or conditional uses, they shall be considered as prohibited uses. Where the provisions of any statute, other provision of the city code or regulation impose greater restrictions than this chapter, the provisions or such statute, other provisions or the city code or regulation shall be controlling.

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

(3) *Enforcement.* The city is responsible for the administration and enforcement of this chapter. Any violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this chapter can occur regardless of whether or not a permit is required for a regulated activity pursuant to § 154.998.

(4) *Severability.* If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(E) *Abrogation and greater restrictions.* It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this

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chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are repealed to the extent of the inconsistency only. (Prior Code, § 22.01)

§ 154.002 DEFINITIONS.

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

ACCESSORY USE or ***ACCESSORY BUILDING***. A use or structure subordinate to the principal use of land or a building on the same lot and serving a purpose customarily incidental to the principal use of a structure that can reasonably be located at or below normal structure setbacks.

AFFECTED PROPERTY OWNER. Person owning property affected by the zoning regulations in this chapter.

AGRICULTURE. Cultivation of the soil and all activities included thereto, including the raising and feeding of livestock, poultry and fur-bearing animals.

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

ALLEY. A public or private thoroughfare which affords only a secondary means of accessing abutting property.

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

AUTO SERVICE STATION. Any building or premises, or portion thereof, used or intended to be used for the retail dispensing of sales of automobile fuel, which activity may be accompanied by accessory uses such as sales of lubricants, tires, accessories or supplies or minor repairing of automobiles.

AUTO OR TRAILER SALES LOT. An open area other than a street used for display, sale or rental of new or used motor vehicles or trailers in operable condition.

BASEMENT. A portion of a building located partly underground but having less than half its clear floor to ceiling height below grade. (See ***CELLAR***).

BED AND BREAKFAST. A single family dwelling in which transient guest rooms are rented on a nightly basis for periods of seven (7) days or less and where at least one (1) meal is offered in connection with the provision of sleeping accommodations only. (Ord. 04-04, Adopted 7-19-04)

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BIOSOLIDS. A nutrient-rich organic material resulting from the treatment of wastewater.

BLOCK. An area of land within a subdivision that is entirely bordered by streets or by streets and the exterior boundary of the subdivision or a combination of the above with a river, lake or rail line.

BLUFF. A topographic feature such as a hill, cliff or embankment having the following characteristics (an area with an average slope of less than 18% over a distance of 50 feet or more shall not be considered part of the bluff):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and
- (4) The slope must drain toward the waterbody.

BLUFF IMPACT ZONE. A bluff and land located within 20 feet from the top of a bluff.

BOARDING HOUSE. A dwelling where meals or lodging, or both, are provided for compensation to three or more persons, who are not transients, by prearrangement for definite periods, in contradiction to hotels and motels as herein defined.

BOATHOUSE. A structure designed and used solely for the storage of boats or boating equipment.

BORROW PIT. A land use involving the excavation or digging of material for use as fill at another site. Also, an excavated area where earth material has been dug for use as fill at another site.

BUFFER. The use of land, topography (difference in elevation), space, fences or landscape plantings to screen or partially screen a tract of property from another tract or property and thus reduce undesirable influences, such as sight, noise, dust and other external effect, which a land use may have upon other adjacent or nearby land uses.

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

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

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BUNKHOUSE. Residential accessory structure used for sleeping quarters with no sanitation, cooking facilities or water under pressure.

CABIN, SEASONAL OR RECREATIONAL. A residence occupied only on a part-time basis, not to exceed eight consecutive months, and not requiring public services such as a school bus.

CELLAR. Portion of a building located partly or wholly underground and having half or more than half its clean floor to ceiling height below grade.

CERTIFICATE OF OCCUPANCY. The certificate issued by the Building Official indicating that the construction of a principal multi-family, commercial or industrial building has complied with the provisions of the building permit and can be legally occupied.

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

COMMERCIAL PLANNED USE DEVELOPMENTS. Commercial planned unit developments are typically uses that provide transient short-term lodging spaces, rooms or parcels and their operations are essentially service-oriented. For example hotel/motel accommodations, resorts, recreational vehicle and camping parks and other primarily service-oriented activities are commercial planned unit developments.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

COMMISSIONER. The Commissioner of the Department of Natural Resources.

COMPREHENSIVE GUIDE PLAN. Compilation of policy statements, objectives, standards and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in the Minnesota Municipal Planning Act.

CONDITIONAL USE. A use that would not be appropriate generally or without restriction throughout the zone district, but which, if controlled as to number, area, location or relation to neighborhood, would not be injurious to the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in listed zone districts only after approval of a conditional use permit by the City Council.

CONDOMINIUM. An apartment building as defined herein in which the units are owned separately by the individual or family which occupies them and not by a corporation or cooperative. Refers to the building as a whole or any apartment unit within the building.

CORNER LOT. A lot situated at the junction of and fronting on two or more streets.

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DAY CARE FACILITY. A residential facility which provides foster care, supervision and training to pre-school and school age children out of their own home with no overnight accommodations for such children and which meets all state and county licensing requirements.

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

DEPTH OF LOT. The mean horizontal distance between the front street right-of-way and the rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

DEPTH OF REAR YARD. The mean horizontal distance between the rear line of the principal building and the rear lot line.

DISTRICT. A section or sections of the city for which the provisions of this chapter are uniform.

DOG KENNEL. A place, including a veterinary clinic, where three or more dogs over four months old are boarded, bred and/or offered for sale.

DRAINAGE AREA. The official determination of the size and physical limits of drainage areas of lakes and streams as made by the Commissioner of Natural Resources and as listed in the Division of Waters, Bulletin 25, An Inventory of Minnesota Lakes. If not listed therein, the official determination of size and physical limits shall be made by the Commissioner of Natural Resources in cooperation with the municipality.

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

DWELLING.

(1) **DWELLING, SINGLE FAMILY.** A detached building designed for and occupied by not more than one family including a manufactured home.

(2) **DWELLING, TWO FAMILY.** A structure containing two independent residential units (dwelling) which is designed for or occupied by two families and which units are separated by a common wall or floor.

(3) **DWELLING, CLUSTER OR GROUP.** A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

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(4) **DWELLING, MULTI-FAMILY.** A structure containing three or more independent residential units (dwellings) which are designed for or occupied by three or more families and which units are separated by common walls or a floor.

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

DWELLING UNIT. A residential building or portion thereof intended for occupancy by a family but not including nursing homes, boarding or rooming house or tourist homes.

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

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time.

FAMILY. One or more persons related by blood, marriage or adoption, including foster children, or a group composed of members of a common housekeeping management unit all of the members of which have common use and access to all living and eating areas, bathrooms, and food preparation and serving areas and which is based on an intentionally structured relationship providing organization and stability.

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

FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

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

GARAGE, PRIVATE. A detached accessory building, or one attached to or part of a principal building, used primarily for the parking and storage of automobiles owned or operated by the residents of dwellings located on the lot on which such garage is located.

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GARAGE, REPAIR. Any facilities equipped for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

GOVERNING BODY. The City Council by whatever name known.

GRADE.

(1) For buildings more than five feet from any street line, the average level of the finished surface adjacent to the exterior walls of the building; and

(2) For buildings having one or more exterior walls within five feet of a street line or lines, the average of the elevations of the sidewalk or sidewalks or their equivalent established ground surface adjacent to such street line or lines.

GROUP HOME. A residential facility licensed by the State of Minnesota or the St. Louis County Social Services Department which serves mentally retarded, physically handicapped or socially maladjusted individuals.

GROUP USEABLE OPEN SPACE. Land area and facilities specifically designated and developed for recreational or social activities of individuals or groups, excluding required setback areas, in addition to those areas and facilities designated and developed for the private use of residents of individual dwelling units.

GUEST COTTAGE. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

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

HEIGHT OF BUILDING. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

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

HOME BUSINESS. A commercial or minor industrial business use conducted on the same property on which the owner's home is situated, which is of a type or character consistent

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with the surrounding residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area.

HOME OCCUPATION. Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such secondary use. This occupation shall be carried on or conducted only by members of the family residing in the dwelling and in connection with which there is kept no stock in trade or commodity for sale upon the premises.

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

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

INTENSIVE VEGETATION CLEARING or CLEAR CUTTING. The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

JUNK OR SALVAGE YARD. Any place where two or more motor vehicles not containing current license plates, or not in operable condition, are stored in the open. Also, any place where the salvaging or scavenging of any other goods, articles or merchandise not contained entirely within an enclosed building is conducted.

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

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

LOT. A parcel of land designated by metes and bounds description, registered land survey, auditors plot or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.

LOT AREA. The area of a horizontal plane within the lot lines.

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

LOT COVERAGE. The area of a lot occupied by the principal and accessory building.

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LOT, DEPTH OF. The horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

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

LOT LINE. The line bounding a lot as defined herein.

LOT OF RECORD. A parcel of land legally recorded with St. Louis County as of the effective date of or later than the adoption of this chapter which is occupied by or intended to be occupied by a principal use or building and such accessory buildings and open spaces required by this chapter and having access to a dedicated public right-of-way.

LOT WIDTH. The horizontal distance between the side lot lines as measured at the building set back line.

MAJOR AND MINOR COLLECTORS. A road that serves short trips, provides access to minor traffic generators and collects and distributes trips between adjacent land uses and the arterial street system.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and which complies with the manufactured home building code established by M.S. § 327.31, Subd. 3, as it may be amended from time to time.

MINOR ARTERIAL. A road that connects major activity areas, provides some access to adjacent land and maintains continuous operating conditions.

MINING. The excavation of earth materials for the purpose of sale.

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

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

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NONCONFORMING BUILDING OR STRUCTURE. Any building or structure lawfully existing at the time of the approval of this chapter or any amendment to it, rendering such building or structure nonconforming, which:

(1) Does not comply with all of the regulations of this chapter, or any amendment hereto, governing bulk, height and yard requirements for the zoning district in which such building or structure is located; or

(2) Is designed or intended for a use neither permitted nor conditionally permitted in the zoning district in which it is located.

NONCONFORMING LOT OF RECORD. An unimproved lot which was legally recorded on or before the effective date of this chapter which does not comply with the lot size requirements for any permitted use in the district in which it is located.

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

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the **ORDINARY HIGH WATER LEVEL** is the elevation of the top of the bank of the channel. For reservoirs and flowage, the **ORDINARY HIGH WATER LEVEL** is the operating elevation of the normal summer pool.

PARKING LOT. A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use as on a residential lot.

PARKING SPACE. An improved surface area, enclosed or unenclosed with a minimum width of nine feet and a minimum length of 19 feet to store one motor vehicle, together with a street or alley and permitting ingress and egress of such motor vehicle.

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

PLANNED UNIT DEVELOPMENT. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises or any combination of these or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds,

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recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

PREFABRICATED UTILITY ENCLOSURE. Structure consisting of a tubular framework covered with fabric or sheet metal panels or constructed entirely of sheet metal panels. (Ord. 02-07 April 2, 2007)

PRINCIPAL ARTERIAL. A road that connects major traffic generators, offers minimum access to adjacent land and serves large traffic volumes at a high level of service.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is situated.

PRINCIPAL USE. The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

PRIVATE CLUB OR LODGE. A building and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes or members regularly paying dues, but not primarily for profit or to render a service which is customarily carried on as a business.

PUBLIC WATERS. Any waters as defined in M.S. § 1036.005, Subd. 15 and 18, as it may be amended from time to time.

RESIDENTIAL PLANNED UNIT DEVELOPMENT. A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives and full fee ownership residences would be considered as residential planned unit developments.

RESTAURANT. An establishment where food is available to the general public for consumption on the premises.

SATELLITE DISHES. Equipment used to receive microwave signals from distant satellites for conversion into standard television signals.

SCHOOL, PRIMARY, SECONDARY, COLLEGE OR UNIVERSITY. Any educational facility accredited by the state or supported by public funds.

SCREENING. The use of land, topography (difference in elevation) space, fences, walls, plant materials or other methods to screen or buffer view, lights, noise or emanating from a site or use.

SEASONAL DWELLING. A residence occupied only on a part time basis and not requiring public services such as school buses and snow plowing of roads.

SEMI-PUBLIC USE. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

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SENSITIVE RESOURCE MANAGEMENT. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

SETBACK. The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line or other facility.

SEWER SYSTEM. Pipelines or conduits, pumping stations and force main and all other construction, devices, appliances or appurtenances used for conducting sewage or industrial wastes to a point of ultimate disposal.

SEWERED AREA. Any lot within 165 feet of an existing sanitary sewer.

SEWAGE TREATMENT SYSTEM. Means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as regulated by St. Louis County Ordinance. (Ord. 01-04 March 1, 2004, Am Ord. 03-10, 5-3-10)

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

SHORELAND. All lands located within the following distance from the high water mark of public water:

(1) One-thousand feet from the ordinary high water mark of a lake, pond or flowage;

(2) Three-hundred feet from the normal high water mark of a river or stream or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.

(3) The practical limits of shorelands may be less than the statutory limits where such limits are designated by natural drainage divides at lesser distances as shown on the Official Zoning Map of the city and when approved by the Commissioner.

SIGN. A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, institution, organization, idea or business. A ***SIGN*** inside a building is not included unless its face is visible only from the exterior of a building. Each display surface of a sign shall be considered to be a ***SIGN***.

SIGN, OFF-SITE. A sign not located on the same premises or lot as the establishment it advertises.

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SIGN, ON-SITE. A sign located on the same premises or lot as the establishment it advertises.

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

SIGN, WALL. A wall sign shall consist of any sign which is attached flat against or represented on the surface of a building wall.

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08, as it may be amended from time to time. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SOLAR COLLECTORS OR PANELS. A device designed to absorb incidental solar radiation and convert it to thermal energy and transfer the thermal energy to a fluid passing through or in contact with the device or generate electricity.

STEEP SLOPE. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.

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

STREET. A public thoroughfare which affords principal means of access to abutting property.

STREET WALL. The main wall of a building nearest to and facing on a street, including sun parlors and bays but not including bay windows.

STREET WIDTH. The width of a street is measured between right-of-way lines.

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STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof.

STRUCTURE. Anything more than 30 inches high placed, constructed or erected with a fixed location on the ground, including portable buildings, manufactured housing, signs and swimming pools, except that fences, utility poles, lawn lights, antennae and related minor equipment shall not be considered structures.

SUBDIVISION. The division of a parcel of land into two or more lots or parcels, for the purpose of transfer of ownership or building development. The term includes **RESUBDIVISION** and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SUBSTANDARD USE. Any use existing prior to the date of enactment of this chapter which is permitted within the applicable zoning district but does not meet the minimum lot area, length, width, structure setbacks or other dimensional standards of the chapter.

SURFACE WATER ORIENTED COMMERCIAL USE. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

TEMPORARY STRUCTURE. A structure used no longer than 180 consecutive days as a construction office, retail sales stand or other non-permanent facility.

TERRACE. A level plane or surfaced patio, directly adjacent to the principal building on the surface of the land or on the roof of a building.

TOE OF THE BLUFF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.

TOP OF THE BLUFF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.

TOWNHOUSE. A group of attached single family dwelling units on a common lot.

UNDUE HARDSHIP. The same as the term is defined in M.S. § 462.357, as it may be amended from time to time.

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USE. The purpose or activity for which the land or building thereon is designated, arranged or intended or for which it is occupied or maintained.

VARIANCE. The modification or variance of the provisions of this chapter as applied to a specific piece of property, except that modification of allowable uses within a district shall not be considered a variance.

VETERINARY CLINIC. A commercial activity caring for the medical needs of animals having no outside runs.

WATER ORIENTED ACCESSORY STRUCTURES. A small, above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Permitted structures are boathouses, gazebos, screen houses, fish houses, pump houses, detached decks and saunas.

WETLAND. A surface water feature classified as a wetland in the United States Fish and Wildlife Circular No. 39 (1987 Edition).

WIDTH, MINIMUM. The horizontal distance between the outside walls measured perpendicular to the longest dimension of the structure. The qualifying width for structures of varying dimension will be the shortest dimension unless at least 75% of the structure's length qualifies for a wider determination. To qualify all areas of the structure must contain customary heated and occupied living spaces constructed in accordance with the Building Code, or if manufactured housing, certified by the Building Code Division of the Minnesota Department of Administration.

WIND ENERGY CONVERSION SYSTEMS (WECS). An aggregation of parts, including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks and the like in such configuration as necessary to convert the power of wind into mechanical or electrical energy; for example, wind charger, windmill or wind turbine.

YARD. An open space between a building and any lot line which is open to the sky from 30 inches above the ground except as specified elsewhere in this chapter.

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

YARD, OPEN. A yard in addition to front, side and rear setbacks in which no structure, driveway or parking space shall be located.

YARD, REAR. A yard extending across the entire rear of a lot measured between the rear lot line and the rear of the building or any projection thereof other than steps, balconies, paved

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terraces, porches or bay windows. On corner lots and interior lots, the **REAR YARD** shall in all cases be at the opposite end of the lot from the front yard.

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

ZERO LOT LINE. Any instance in which a minimum yard setback of zero feet is permitted or allowed by reason of a wall common to two or more dwellings being situated on a lot line.

ZONING ADMINISTRATOR. Official designated by the city to administer and enforce this chapter.

(Prior Code, § 22.02) (Am. Ord. 01-98, passed 4-6-1998; Am. Ord. 02-99, passed 11-1-1999)

§ 154.003 DESIGNATION OF TYPES OF LAND USE; SHORELAND MANAGEMENT CLASSIFICATION.

(A) In order to guide the wise development and utilization of shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain public waters in the city have been given a shoreland management classification consistent with the criteria found in Minn. Regs., part 6120.3300, as it may be amended from time to time, and the Protected Waters Inventory Map for St. Louis County, Minnesota.

(B) The protected waters of the city have been classified as follows.

(1) *Rivers/streams.*

<i>Name</i>	<i>From</i>				<i>To</i>				
	<i>SEC</i>	<i>Comments</i>	<i>TWP</i>	<i>RNG</i>	<i>Sec</i>	<i>Comments</i>	<i>TWP</i>	<i>RNG</i>	<i>SL Class</i>
East Two Rivers	26	Basin 726	58	18W	34		58	18W	Tr
*Unnamed to ETR	12		58	18W	26		58	18W	Tr
West Two Rivers	31	Basin 994	58	18W	31		58	18W	Tr
Parkville Creek	11	No sec lin	58	18W	15	Basin 994	58	18W	Tr
Kinross Creek	19		58	18W	30	Basin 994	58	18W	Tr
Sandy River:	2		59	18W	1		59	18W	Tr
Unnamed Tributary to Sandy River:	24		59	18W	1		59	18W	Tr

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<i>Name</i>	<i>From</i>				<i>To</i>				
	<i>SEC</i>	<i>Comments</i>	<i>TWP</i>	<i>RNG</i>	<i>Sec</i>	<i>Comments</i>	<i>TWP</i>	<i>RNG</i>	<i>SL Class</i>
Unnamed Tributary to Unnamed Tributary (to Sandy River):	12		59	18W	12		59	18W	Tr
Unnamed Tributary to Little Sandy Lake:	15		59	18W	11		59	18W	Tr
Unnamed Tributary to Sandy Lake:	2		59	18W	2		59	18W	Tr
*Also called Silver Creek									

(2) *Lakes/wetlands.*

<i>PWI ID</i>	<i>PWI Name</i>	<i>Alternate Name</i>	<i>PWI Class</i>	<i>Acreage</i>	<i>Type</i>
69-0721	Majestic	Haenke	P	57	5
69-0723	Mud		W	20	4
69-0724	Unnamed		W	19	4
69-0725	Mashkenode	Four-Mile	P	119	5
69-0726	Manganika	Three-Mile	P	181	5
69-0727	Kendall		P	53	5
69-0763	Doherty		P	71	5
69-0994	West Two Rivers Reservoir		P	700	5
69-1270	Unnamed		W	3	4
69-1271	Unnamed		W	5	4
69-1272	Unnamed		W	3	4
69-0729	Sandy		P	121	5
69-0730	Little Sandy		P	89	5

(Prior Code, § 22.02) (Ord. 01-04 March 1, 2004)

ZONING DISTRICTS AND ZONING MAP

§ 154.020 ESTABLISHMENT OF ZONING DISTRICTS.

(A) For the purposes of this chapter, the city is divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereof, is adopted by reference and declared to be a part of this chapter.

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- (B) The Districts shall be known as:
- (1) Rural Residential District (RR);
 - (2) Urban Residential District (UR/NS);
 - (3) Urban Residential District (UR/S);
 - (4) Multi-Family Residential District No. 1 (MF-1);
 - (5) Multi-Family Residential District No. 2 (MF-2);
 - (6) Commercial District (CD);
 - (7) General Industrial District (I);
 - (8) Mineral Mining District (MM);
 - (9) Shoreland Overlay District (SO);
 - (10) Planned Unit Development District (PUD).

(C) District regulations shall be set forth in sections of this chapter.
(Prior Code, § 22.03)

§ 154.021 ZONING MAP.

(A) The Official Zoning Map shall be identified by the signature of the Mayor, attested to by the Administrator and bearing the seal of the city under the following words:

“This is to certify that this is the Official Zoning Map referred to in § 154.020 of the City Code of the City of Mt. Iron,” together with the date of adoption of this chapter. The zoning chapter and Official Zoning Map shall be kept on file in the office of the City Administrator.

(B) If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes will be made on the Official Zoning Map promptly after the amendment has been approved by the Council, together with an entry on the Official Zoning Map as follows: “By Ordinance Number adopted (date) by the City of Mt. Iron, the following change or changes were made in the Official Zoning Map: (Description of change),” which entry shall be signed by the Mayor and attested to by the Administrator. In any event, the Official Map shall be redrawn to incorporate all changes each year and shall be completed by March 1 of each year. All amendments to the Zoning Map are generally described in Chapter 154 of the City Code.

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

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

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

(1) Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways or alleys shall be construed to follow such center lines;

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

(3) Boundaries indicated approximately following city limits shall be construed as following the city limits;

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

(5) Boundaries indicated as following rivers and streams should be construed to follow the approximate center line of such river or stream and should be construed as moving with the actual center line;

(6) Boundaries indicated as parallel to, or extensions of, features indicated in subsection (a) through (e) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

(7) Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by subsections (a) through (f) above, the Zoning Board of Adjustment and Appeals shall interpret the district boundaries in accordance with the city code.

(Prior Code, § 22.04) (Am. Ord. 02-98, passed 9-8-1998; Am. Ord. 03-98, passed 9-8-1998; Am. Ord. 01-02, passed February 4, 2002; Am. Ord. 07-02, passed July 1, 2002; Am. Ord. 03-04, passed April 5, 2004; Am. Ord. 01-06, passed March 20, 2006; Am. Ord. 02-06, passed February 6, 2006)

§ 154.022 RURAL RESIDENTIAL DISTRICT (RR).

(A) *Purpose.* To permit the conduct of certain agricultural pursuits on land in the city, to provide adequate separation between dwellings and facilities for housing animals, to maintain and promote the character of rural areas in the city, to protect the functional integrity of roads and to limit suburban style development in a manner consistent with planning objectives.

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(B) *Permitted uses.*

- (1) Farming activities of all types.
- (2) The raising or keeping of livestock and fowl, dairy farming, kennels, horses and fur-bearing animals.
- (3) Commercial greenhouses and nurseries.
- (4) Single-family dwellings served by a domestic water supply and sanitary sewerage disposal system approved by St. Louis County. (Ord. 01-04 March 1, 2004, Am Ord 03-10, 5-3-10)
- (5) Seasonal cabin.
- (6) Accessory uses clearly incidental to principal use.
- (7) Accessory structures, including solar collectors or panels, communication towers and one wind energy conversion systems shall be permitted as an accessory use, provided that any tower shall be set back from all property lines a distance equal to or greater than the tower height as measured from the base of the tower, but in no case shall tower height exceed 130 feet. (Amd 06-15, 09-08-15)
- (8) Home occupation.
- (9) Licensed day care centers accommodating up to ten children.
- (10) Public recreational uses, including trails, parks, playfields, beaches, wayside rests and the like.
- (11) Prefabricated utility enclosure. (Ord. 02-07 April 2, 2007)

(C) *Conditional uses.* The following may be permitted as conditional uses in this District.

- (1) Veterinary clinic.
- (2) Riding stable.
- (3) Public and semi-public uses, including, but not limited to the following: public and private schools, churches, community buildings, private parks and recreational areas, hospitals, rest homes, fire and police stations, public maintenance repair or storage buildings.
- (4) Utility corridors and necessary related facilities, including, but not limited to transmission towers and lines, microwave relay towers, substations and pipelines.
- (5) Necessary facilities for the production of electric power, including, but not limited to dams, reservoirs and power plants. Projects including mandatory review of the Minnesota Environmental Quality Council shall be exempt from conditional use review.

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- (6) Group homes.
- (7) Airports.
- (8) Mineral exploration.
- (9) Commercial or private recreational uses which, by their nature, require large land areas to buffer them from adjoining uses, such as race tracks, gun clubs and POW amphitheaters.
- (10) Home business.
- (11) Extensive excavation/fill or borrow pit operations.
- (12) Application of biosolids.
- (13) Bed and Breakfast Homes
- (14) Shipping containers converted for use as an accessory structure. Shipping containers used for this purpose must be painted or covered in earth-tone colors. (03-19, 10-07-19) (amd. 02-21, 04-05-21)
- (15) RV used as a dwelling on a temporary basis and left on site. Adequate provisions for water supply and sewage disposal must be demonstrated. No appurtenances (such as decks or porches) may be constructed for the RV. The temporary use may not exceed one year. Conditional Use permit may be extended if a building permit has been issued for a single-family dwelling. (amd. 02-23, 11-20-23)

(D) *Requirements.* The following requirements shall be observed:

- (1) Minimum lot area: 5.0 acres;
- (2) Minimum lot width: 300 feet;
- (3) Minimum depth: 300 feet;
- (4) Maximum lot coverage; 10%;
- (5) Dwelling height limit: 35 feet;
- (6) Lot line setbacks:
 - (a) Side yard setbacks:
 - 1. Principal structure: 50 feet;

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2. Accessory structure: 50 feet;

(b) Rear yard setback:

1. Principal structure: 50 feet;

2. Accessory structure: 50 feet;

(7) Road setback (from centerline of driving surface or 50 feet from right-of-way line, whichever distance is greater):

(a) Principal and minor arterial: 110 feet;

(b) Major collectors: 85 feet;

(c) Minor collectors and local roads: 68 feet.

(Prior Code, § 22.05) (Am. Ord. 02-99, passed 11-1-1999)

§ 154.023 URBAN RESIDENTIAL DISTRICT, NON-SEWERED (UR/NS).

(A) *Purpose.* To provide for low density, semi-rural living in areas neither requiring nor anticipating the provision of public water and sewer services, while allowing limited development compatible with the principal residential use.

(B) *Permitted uses.* The following uses are permitted.

(1) Single-family dwellings served by a domestic water supply and sanitary sewerage disposal system approved by St. Louis County. (Ord. 01-04 March 1, 2004, Am Ord 03-10, 5-3-10)

(2) Seasonal cabin.

(3) Accessory uses clearly incidental to principal use.

(4) Accessory structures, including solar collectors or panels and one wind energy conversion system meeting the requirements specified in Section 154.022 (B) (7). Communication towers are not a permitted use. (Amd 06-15, 09-08-15)

(5) Home occupation.

(6) Public, recreational uses, including trails, parks, beaches, wayside rest and the like.

(7) Prefabricated utility enclosure up to 400 square feet in area. (Ord. 02-07 April 2, 2007)

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- (C) *Conditional uses.* The following may be permitted as conditional uses in this District.
- (1) Two-family dwelling.
 - (2) Public and semi-public uses as identified in § 154.022(C)(3).
 - (3) Utility corridors and necessary related facilities.
 - (4) Home business.
 - (5) Extensive excavation/fill or borrow pit operations.
 - (6) The raising or keeping of livestock and fowl, dairy farming, kennels, horses and fur-bearing animals, provided compliance with Chapter 93 of this code is also achieved.
 - (7) Bed and Breakfast Homes
 - (8) Prefabricated utility enclosure over 400 square feet in area. (Ord. 02-07 April 2, 2007)
 - (9) Shipping containers converted for use as an accessory structure. Shipping containers used for this purpose must be painted or covered in earth-tone colors. (03-19, 10-07-19) (amd. 02-21, 04-05-21)
 - (10) RV used as a dwelling on a temporary basis and left on site. Adequate provisions for water supply and sewage disposal must be demonstrated. No appurtenances (such as decks or porches) may be constructed for the RV. The temporary use may not exceed one year. Conditional Use permit may be extended if a building permit has been issued for a single-family dwelling. (amd. 02-23, 11-20-23)

(D) *Requirements.* The following requirements shall be observed:

- (1) Minimum lot area: 2.5 acres (108,900 square feet);
- (2) Minimum lot width: 200 feet;
- (3) Minimum lot depth: 300 feet;
- (4) Maximum lot coverage: 20 feet;
- (5) Dwelling height limit: 35 feet;
- (6) Lot line setbacks:
 - (a) Side yard setbacks:
 1. Principal structure: 50 feet;

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2. Accessory structure: 25 feet;
3. Prefabricated utility enclosure 25 feet; (Ord. 02-07 April 2, 2007)

(b) Rear yard setback:

1. Principal structure: 50 feet;
2. Accessory structure: 25 feet;

(7) Road setback (from centerline of driving surface or 50 feet from right-of-way line, whichever distance is greater):

- (a) Principal and minor arterial: 110 feet;
- (b) Major collectors: 85 feet;
- (c) Minor collectors and local roads: 68 feet.

(Prior Code, § 22.06) (Am. Ord. 02-02, passed 4-1-2002)

(8) Front Setback Prefabricated utility enclosure 150 feet.
(Prior Code, § 22.06) (Am. Ord. 02-02, passed 4-1-2002) (Ord. 02-07 April 2, 2007)

§ 154.024 URBAN RESIDENTIAL DISTRICT, SEWERED (UR/S).

(A) *Purpose.* To provide areas primarily for single-family residential uses on larger parcels of land in accord with the City Comprehensive Guide Plan.

(B) *Permitted uses.*

- (1) Single-family dwellings.
- (2) Accessory uses clearly incidental to principal use.
- (3) Accessory structures, including solar collectors or panels, providing the maximum floor area per structure does not exceed 900 square feet. Communication towers are not a permitted use. (Amd 06-15, 09-08-15)
- (4) Home occupation.
- (5) Public recreational uses and other public and semi-public uses, including those identified in § 154.022(C)(3).
- (6) Churches.
- (7) Prefabricated utility enclosure up to 400 square feet provided lot size and setbacks meet the requirements of 154.023 (D). (Ord. 02-07 April 2, 2007)

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(C) *Conditional uses.* The following may be permitted as conditional uses in this District.

- (1) Two family residence.
- (2) Libraries, museums and art exhibition centers.
- (3) Licensed day care centers.
- (4) Accessory structures, the floor area of which exceeds 900 square feet per structure.
- (5) Extensive excavation/fill or borrow pit operations.
- (6) Bed and Breakfast Homes
- (7) Prefabricated utility enclosure over 400 square feet provided lot size and setbacks meet the requirements of 154.023 (D). (Ord. 02-07 April 2, 2007)
- (8) Shipping containers converted for use as an accessory structure. Shipping containers used for this purpose must be painted or covered in earth-tone colors. (03-19, 10-07-19) (amd. 02-21, 04-05-21)
- (9) RV used as a dwelling on a temporary basis and left on site. Adequate provisions for water supply and sewage disposal must be demonstrated. No appurtenances (such as decks or porches) may be constructed for the RV. The temporary use may not exceed one year. Conditional Use permit may be extended if a building permit has been issued for a single-family dwelling. (amd. 02-23, 11-20-23)

(D) *Requirements.* The following requirements shall be observed:

- (1) Minimum lot area: 10,200 square feet;
- (2) Minimum lot width: 75 feet;
- (3) Minimum lot depth: 110 feet;
- (4) Maximum lot coverage: 35%;
- (5) Dwelling height limit: 35 feet;
- (6) Accessory building: 15 feet;
- (7) Minimum width of dwelling units: 20 feet;
- (8) Lot line setbacks:
 - (a) Front yard setback:

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1. Principal structure: 25 feet;
 2. Accessory structure: 25 feet;
- (b) Side yard setbacks:
1. Principal structure, each side: 5 feet;
 2. Detached accessory structures: 5 feet;
- (c) Rear yard setback:
1. Principal structure: 25 feet;
 2. Detached accessory structures: 5 feet;
- (d) Corner lot setbacks: front yard setback required for both yards abutting streets.

(Prior Code, § 22.07) (Am. Ord. 01-98, passed 4-6-1998; Am. Ord. 05-00, passed 12-18-2000; Am. Ord. 01-01, passed 1-16-2001)

§ 154.025 MULTI-FAMILY RESIDENTIAL DISTRICT NO. 1 (MF-1).

(A) *Purpose.* To provide suitable areas within the community for a mixture of single, two, three and four family dwellings which retain the character and amenities of exclusive single-family residential areas.

(B) *Permitted uses.*

- (1) Single-family dwellings.
- (2) Two, three or four-family dwellings.
- (3) Accessory uses clearly incidental to principal use.
- (4) Accessory structures, including solar collectors or panel, with a maximum floor area per structure of 900 square feet and garage structures sufficient to house one vehicle for each dwelling unit for multiple dwellings. Communication towers are not a permitted use. (Amd 06-15, 09-08-15)
- (5) Home occupation.
- (6) Public or semi-public uses listed in § 154.022(C)(3).
- (7) Licensed day care center accommodating up to ten children.

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(C) *Conditional uses.* The following may be permitted as conditional uses in this District.

(1) Private clubs, provided that no permanent liquor, food or entertainment license shall be issued in conjunction with such operation.

(2) Boarding and lodging houses, subject to a maximum of eight accommodation units.

(3) Offices and quasi-public facilities of philanthropic or charitable and non-profit institutions.

(4) Accessory structures which exceed a floor area of 900 square feet per structure for single family dwellings or more than one garage unit per dwelling for multiple family dwellings.

(5) Mortuary or funeral home.

(6) Extensive excavation/fill or borrow pit operations.

(D) *Requirements.* The following requirements shall be observed:

(1) Minimum lot area: 3,000 square feet minimum lot area per dwelling unit, for lots containing more than one dwelling unit, 5,000 square feet;

(2) Minimum lot width: 100 feet;

(3) Minimum lot depth: 110 feet;

(4) Maximum lot coverage allowed: 35%;

(5) Dwelling height limit: 30 feet;

(6) Accessory building: 15 feet;

(7) Minimum width of dwelling units: 20 feet;

(8) Lot line setbacks:

(a) Front yard setback:

1. Principal structure: 25 feet;

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2. Accessory structure: 25 feet;
- (b) Side yard setback:
 1. Principal structure, one side: 5 feet;
total: 20 feet;
 2. Detached accessory structure, one side: 5 feet;
total: 20 feet;
- (c) Rear yard setback:
 1. Principal structure: 25 feet;
 2. Detached accessory structures: 5 feet;
- (d) Corner lot setbacks, front yard setback required for both yards abutting streets.
(Prior Code, § 22.08) (Am. Ord. 01-98, passed 4-6-1998)

§ 154.026 MULTI-FAMILY RESIDENTIAL DISTRICT NO. 2 (MF-2).

(A) *Purpose.* To provide areas for a mixture of single, two, three and four family dwelling units and medium density multi-apartment family structures.

(B) *Permitted uses.*

- (1) Single-family dwellings.
- (2) Two, three or four family dwellings.
- (3) Apartments, townhouses or condominiums, with a maximum density of 16 units per acre.
- (4) Accessory uses clearly incidental to principal use.
- (5) Accessory structures as listed in Section 154.022 (B) (7), except communication towers are not permitted. (Amd 06-15, 09-08-15)
- (6) Home occupation.
- (7) Public or semi-public uses permitted in § 154.022(C)(3).
- (8) Licensed day care centers accommodating up to ten children.

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(C) *Conditional uses.* The following may be permitted as conditional uses in this District.

(1) Boarding and lodging houses, subject to a maximum of ten accommodation units.

(2) Residence apartment-hotels catering to non-transient guests.

(3) Accessory structures which exceed a floor area of 900 square feet per structure for single dwellings or non-residential uses or more than one garage unit per dwelling for multiple family dwellings.

(4) Extensive excavation/fill or borrow pit operations.

(5) Shipping containers converted for use as an accessory structure. Shipping containers used for this purpose must be painted or covered in earth-tone colors. (03-19, 10-07-19) (amd. 02-21, 04-05-21)

(D) *Requirements.* The following requirements shall be observed:

(1) Minimum lot area: 25,000 square feet;
Minimum lot area per dwelling unit: 2,700 square feet;

(2) Minimum lot width: All uses: 150 feet;

(3) Minimum lot depth: All uses: 150 feet;

(4) Maximum lot coverage allowed: 45%;

(5) Principal structure, height limit: 45 feet;
Accessory building, height limit: 15 feet;

(6) Minimum width of dwelling units: 20 feet;

(7) Lot line setbacks:

(a) Front yard setback:

1. Principal structure: 30 feet;

2. Accessory structure: 30 feet;

(b) Side yard setbacks:

1. Principal structure: one side 10 feet, total 30 feet;

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feet;
2. Detached accessory structures: one side 10 feet, total 30

(c) Rear yard setback:

1. Principal structure: 30 feet;

2. Detached accessory structures: 5 feet;

(d) Corner lot setbacks, front yard setback required for both yards abutting streets.

(Prior Code, § 22.09) (Am. Ord. 01-98, passed 4-6-1998)

§ 154.027 COMMERCIAL DISTRICT (CD).

(A) *Purpose.* To provide commercial areas for the location of retail and service activities.

(B) *Permitted uses.*

(1) Retail and service establishments.

(2) Eating and drinking places.

(3) Banks, business and professional offices and clinics.

(4) Self-service laundries, dry cleaners, car washes and similar uses.

(5) Entertainment, cultural, recreational and amusement establishments.

(6) Studios, including art, telephone, radio, music and dance studios and/or conservatories.

(7) Mortuary or funeral homes.

(8) Auto service stations, major auto repair operations and exclusive tire repair or sales shops, excluding retread shops. Requires underground storage of bulk fuels and petroleum products. (Amd 02-24, 12-16-24)

(9) Auto, trailer and truck dealers, new or used, including sales lots and service shops.

(10) Marine, boat, snowmobile and ATV dealer.

(11) Nurseries, landscape and garden stores.

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(12) Motel and hotel. (03-18, 08-06-18)

(13) Accessory uses or structures incidental to the principal use, not including communication towers. (Amd 06-15, 09-08-15)

(14) Licensed day care Facility

(C) *Conditional uses.* The following may be permitted conditional uses in this District. A non-permitted use on a temporary basis. The CUP shall specify the scope and duration of the use. (Amd 02-24, 12-16-24)

(1) Public and semi-public uses listed in §154.022, except home business shall not be a conditional use in this district.

(2) Off-site signs.

(3) Shipping containers converted for use as an accessory structure. Shipping containers used for this purpose must be painted or covered in earth-tone colors. (03-19, 10-07-19) (amd. 02-21, 04-05-21)

(D) *Requirements.* The following requirements shall be observed:

(1) Minimum lot area: 22,500 square feet;

(2) Minimum lot width: 150 feet;

(3) Minimum lot depth: 150 feet;

(4) Maximum lot coverage allowed: 60%;

(5) Accessory buildings shall not exceed the height of the principal structures.

(6) Lot line setbacks:

(a) Front yard setback: 30 feet;

(b) Side yard setback: 30 feet;

(c) Rear yard setback:

1. Principal structure: 30 feet;

2. Detached accessory structure: 30 feet;

(d) Corner lot setbacks: Front yard setbacks are required for both yards abutting streets;

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- (e) Setbacks from any “R” District boundary: 30 feet.

(E) *Special provisions, 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 Commercial District or within the confines of a 100% opaque wall or fence not less than five feet height. Merchandise offered for sale as described heretofore may be temporarily displayed beyond the confines of a building in the Commercial District, but the area occupied by such outdoor display shall not constitute a greater number of square feet than 5% of the gross main floor area of building housing the principal use, unless such merchandise is of a type customarily displayed outdoors such as garden supplies.
(Prior Code, § 22.11)

§ 154.0271 ENTERPRISE COMMERCIAL DISTRICT (ECD)

- (A) *Purpose.* To provide retail and non-retail commercial areas for which highway access is beneficial.
- (B) *Permitted Uses.* Same as 154.027 Commercial District
- (C) *Conditional Uses.* The following may be permitted conditional uses in this District:
- (1) Public and semi-public uses listed in 154.022 except home business shall not be a conditional use in this District.
 - (2) Off-site signs.
 - (3) Other commercial uses which do not require the external storage of materials, supplies or finished product (not for sale at the site).
- (D) *Requirements.* Same as 154.027 Commercial District
- (E) *Special Provisions, storage displays.* Same as 154.027 Commercial District.
(Ord 04-10, Passed 9-7-10)

§ 154.028 GENERAL INDUSTRIAL DISTRICT (I).

- (A) *Purpose.* To provide suitable space separated from residential or commercial areas for light industrial and manufacturing uses.
- (B) *Permitted uses.*
- (1) Rail and trucking terminals and maintenance facilities.
 - (2) Warehousing, wholesaling, open and outdoor storage.
 - (3) Machine, sheet metal, metal fabrication, welding shops.
 - (4) Motor vehicle, tire, parts repair and service shops.
 - (5) Food processing, bottling, storage.
 - (6) Manufacturing, assembly, packaging or treatment of previously prepared products, including plastic, paper, metals, stone, wood, glass and the like.
 - (7) Accessory uses or structures clearly incidental to the principal use.

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(C) *Conditional uses.* The following may be permitted conditional uses in this District. A non-permitted use on a temporary basis. The CUP shall specify the scope and duration of the use. (Amd 02-24, 12-16-24)

- (1) Junk yard.
- (2) Storage tanks for oil, gasoline, liquid fertilizer, other chemicals.
- (3) Manufacture of acid, creosote, chemicals, fuel briquettes and fertilizer.
- (4) Manufacture, storage, utilization of explosive materials or products.
- (5) Extensive excavation/fill or borrow pit operations.
- (6) Other light industrial or manufacturing activities or uses requiring permits from the State Pollution Control Agency.
- (7) Off-site signs.
- (8) Accessory structures as listed in 154.022 (B) (7). (06-15, 09-08-15)
- (9) Entertainment, cultural, recreation and amusement establishments. (03-18, 08-06-18)
- (10) Necessary facilities for the production of electric power, including, but not limited to dams, reservoirs and power plants. Projects including mandatory review of the Minnesota Environmental Quality Council shall be exempt from conditional use review. (05-19, 11-04-19)

(D) *Requirements.* The following requirements shall be observed.

- (1) Minimum lot area: 0.5 acre.
- (2) Minimum lot width: 150 feet.
- (3) Minimum lot depth: 150 feet.
- (4) Maximum lot coverage allowed: 80%. (Amd 07-15, 09-21-15)
- (5) Repealed (07-15, 09-21-15)
- (6) Lot line setbacks:
 - (a) Front yard setback: 40 feet.
 - (b) Side yard setbacks: 20 feet each side.
Detached accessory structures: 5 feet.
 - (c) Rear yard setback:

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1. Principal structure: 20 feet.
2. Detached accessory structures: 12 feet
- (d) Corner lot setbacks: Front yard setback required for both yards abutting streets.
- (e) Setbacks from Residential District or Commercial District boundary: 100 feet.

(E) *Special district provisions.*

(1) *Grading, landscaping and maintenance.* All open areas of any industrially used sites shall be graded to provide proper drainage except for areas used for parking, drives or storage, industrial used sites adjoining a residential district shall be landscaped with appropriate plant materials. It shall be the owner's responsibility to see that the lot area 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 fence not less than five feet high.

(3) *Screening.* All principal and accessory uses, which are situated within 75 feet of any 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.

(Prior Code, § 22.12)

§ 154.029 MINERAL MINING DISTRICT (MM).

(A) *Purpose.* To provide areas for active mining use and to protect from urban development those areas which have minerals, timber or other potentially marketable natural resources.

(B) *Permitted uses.*

(1) Mining, processing, storage and transportation of taconite and other metallic ores.

(2) Mineral exploration.

(3) Rail and trucking facilities, including repair and storage.

(4) Tree farming, logging.

(5) Extensive excavation/fill or borrow pit operations.

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(6) Accessory uses or structures clearly incidental to the principal use.

(C) *Conditional uses.* The following uses may be permitted as a conditional use in this District.

(1) Storage facilities for oil, gasoline, solvents, other flammable chemicals or explosives.

(2) Storage of toxic or hazardous wastes resulting from mining operations.

(3) Off-site signs.

(D) *Requirements.* All active mining operations and conditional uses in the Mineral Mining District shall maintain a buffer zone, at least one-fourth mile in depth, between the active mining operation and conditional use and any adjoining Residential or Commercial Zoning District. (Prior Code, § 22.13)

§ 154.030 PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

(A) *Purpose.* To provide for higher residential densities, mixed land uses, planned shopping and office centers and industrial parks by encouraging innovative design and development. PUDs may be permitted in any zoning district.

(B) *Permitted uses.*

(1) Dwelling units, including mobile home parks, in any combination of single or multiple units or stories.

(2) Nonresidential uses intended to serve the planned development and such other uses as exist or may be expected to exist in the future.

(3) Public and private education facilities.

(4) Commercial or Industrial Planned Unit Developments in districts permitted said uses.

(C) *Requirements.*

(1) *Ownership.* The tract shall be under unified control at the time of application and planned and scheduled to be developed as a whole. No authorizations or permits shall be granted for such 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 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.

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(2) *Minimum size.* The minimum size is five acres.

(3) *Maximum coverage.* The maximum coverage is 50% of the gross land area.

(4) *Financing.* The financing for the project should be proved to be available to the applicant on conditions and in an amount which is sufficient to assure completion of the PUD.

(5) *Open space.* A minimum of 20% for open air recreational uses and other useable 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.

(6) *Density.* For planned residential PUDs proposed in existing residential zones, a maximum increase in density of 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 PUD 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.

(D) *Procedure.*

(1) *Preliminary development plan; filing.*

(a) An applicant for a PUD shall submit a preliminary development plan to the Planning Commission, with a written statement and a fee, for costs incurred by the city in checking and processing such plans. Such application shall be signed by the owner(s) of every property within the boundaries of the proposed PUD.

(b) The drawings which are part of the preliminary development plan may be in general, schematic form and must contain the following information:

1. Location and size of the site and nature of the landowner's interest in the land to be developed;

2. The density of the land use to be allocated to the several parts of the site to be developed;

3. The location and size of any common open space and the form of organization proposed to own and maintain such space;

4. The use and approximate height, bulk and location of buildings and other structures;

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5. Proposals for the distribution of sanitary wastes and storm water;

6. Provisions for parking of vehicles and location and width of proposed streets and public ways;

7. 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 PUD are intended to be filed;

8. 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 ten feet to one inch, shall indicate topography at two-foot contour intervals and show in accurate detail the topography, existing buildings and existing land features and trees.

(c) The written statement which is a part of such application shall include:

1. A description of the character of the PUD and the manner in which it has been planned to take advantage of the PUD regulations;

2. 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 PUD currently under consideration;

3. 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;

4. A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures and open spaces;

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

(2) *The preliminary development plan: approval.*

(a) After the receipts of the PUD application by the Planning Commission, a public hearing upon the application 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.

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(b) The city shall forward a copy of the preliminary PUD plans to the Minnesota Department of Natural Resources for review prior to city action.

(c) After the conclusion of public hearings, the Planning Commission shall forward the PUD plan to the Council with a written staff report recommending that the plan be disapproved, approved or approved with modifications and giving the reasons for these recommendations.

(d) In the event tentative approval is granted subject to conditions, the landowner shall, within 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 by the Council. Failure of the landowner to notify the Council of his or her acceptance or denial of the conditions to the plan constitutes acceptance of the conditions.

(e) 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 PUD would or would not be in the public interest, including but not limited to the findings of facts and conclusions on the following:

1. The PUD plan is consistent with the stated objectives of planned unit developments;

2. The relationship, beneficial or adverse, of the proposed PUD to the area in which it is proposed to be developed;

3. 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;

4. 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 PUD by restricting access to light and air by creating traffic congestion.

(3) *Final development plan; approval.*

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

(b) In the event the PUD plan as submitted for final approval is not in substantial compliance with the preliminary PUD plan, the Planning Commission shall, within

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15 days of the date the application for final approval is filed, so notify the landowner, setting forth the particular ways in which the plan is not in substantial compliance. The landowner may:

1. Treat such notification as denial of the final approval;
2. Refine his or her PUD plan so that it does substantially comply with the preliminary plan;
3. File a written request with the Planning Commission that it hold a public hearing on its application for final approval. After either such hearing or refileing the Planning Commission shall recommend and the Council shall by resolution either grant final approval or deny final approval of the PUD plan.

(c) If any zoning change is approved by the Council as a part of the PUD, the PUD plan is attached to and is part of the ordinance establishing the zoning change. The Zoning Administrator shall then change the zoning classification on the Official Zoning Map, if a zoning change was made, and further designate the district or portion of a district as a PUD District, whether or not a zoning change was made. A number shall be assigned each PUD District in sequence through each year (such as '89-1 ...). The final PUD plan and all supporting documents will be filed with the preliminary plan and together they will form the ordinance establishing the PUD District.

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

1. Public open space has been dedicated to the city and officially recorded;
2. A cash payment in lieu of land donation has been made to coincide with construction of each building according to the negotiated agreement;
3. The design and construction specifications for all utilities, street improvements and mass grading have been approved by the city engineers;
4. The Homeowner's Association by-laws, covenants and deed restrictions have been approved by the City Attorney;
5. The construction plans for proposed structures have been approved by the Building Inspector;
6. The final plat 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 Mountain Iron, Minnesota. (Prior Code, § 22.15)

§ 154.031 SPECIAL ZONING DISTRICT NO. 1.

(A) *Creation.* A Special Zoning District is created and described as the northwest quarter of the northeast quarter of Section 14, Township 58 North, Range 18 West of the 4th Principal Meridian.

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(B) *Other provisions.* All other applicable provisions of this chapter must be complied with in Special Zoning District No. 1.

(C) *Special provisions.* The following special provisions must be complied with in Special Zoning District No. 1:

- (1) New construction with earth tone natural or muted colors;
- (2) Minimum 1,400 square feet living space (not garage) foot print;
- (3) Up to three stall garage;
- (4) Accessory buildings of same style and appearance as house, no larger than a total of 300 square feet;
- (5) Fencing must be wood and left natural or stained earth tones;
- (6) No double lots;
- (7) 30 months from purchase of lot to substantial completion of structure;
- (8) No commercial or home businesses;
- (9) Poured (asphalt, concrete, brick paved) driveways.

(Ord. 04-98, passed 12-21-1998; Am. Ord. 05-98, passed 12-21-1998; Am. Ord. 04-99, passed 10-4-1999)

§ 154.032 BED AND BREAKFAST HOMES.

(A) Bed and Breakfast homes may be allowed by conditional use, subject to the following standards:

- (1) The owner shall reside in the Bed and Breakfast Homes and manage the premises.
- (2) The establishment shall comply with State Health and Building Code requirements.
- (3) Meals may be served to guests only
- (4) No cooking or cooking facilities shall be allowed or provided in the guest rooms.
- (5) The establishment shall be limited to four (4) guest rooms.
- (6) Each guest shall be limited to staying not more than seven (7) days within any thirty (30) day period.
- (7) The owner shall maintain a guest register showing the name, address, motor vehicle license number, and inclusive dates of visits of all guests.

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(8) The owner shall supply a parking plan with the application for a Conditional Use Permit

(9) Signage for each Bed and Breakfast property shall be limited to one non-illuminate sign per property, flaying a maximum sign area of four (4) square feet and a height not exceeding five (5) feet. Signs must run parallel with the Bed and Breakfast.

(10) There shall be no external vending machines.

(11) Sales of souvenirs and items representative of the area shall be accessory to the B&B and shall be restricted to sales to overnight guests only.

(12) Residential Appearance and Character. Each property shall maintain an exterior residential appearance and character, meaning an exterior façade that is compatible with the surrounding single family or duplex houses, and is, of an appearance that would be found in a structure designed for and occupied by a family as detached single or two-family residence.

(13) The initial conditional use permit for a Bed and Breakfast shall be valid from the date of issuance until January 31 of the following year. All conditional use permits for Bed and Breakfast's shall be reviewed by the Planning and Zoning Commission on the date of the first regularly scheduled January Planning and Zoning Commission meeting.

(14) All conditional use permits granted for a Bed and Breakfast are non-transferable.

§ 154.033 SPECIAL ZONING DISTRICT NUMBER 2.

A. A special Zoning District is hereby created and described as the Northeast Quarter of the Northwest Quarter of Section 14, Township 58N, Range 18 West of the 4th Principal Meridian.

B. All other applicable provisions of Chapter 154 of the Mountain Iron City Code must be complied with in Special Zoning District Number 2.

C. The following special provisions must be complied within Special Zoning District Number 2:

1. new construction with earth tone natural or muted colors.
2. minimum 1400 square feet living space (not garage) foot print.
3. up to 3 stall garage.
4. accessory buildings of same style and appearance as house, no larger than a total of 300 square feet.
5. fencing must be wood and left natural or stained earth tones.
6. no double lots.
7. 30 months from purchase of lot to substantial completion of structure.
8. no commercial or home businesses.
9. poured (asphalt, concrete, brick paved) driveways.

(Ord. 03-07, Adopted 7-2-07)

§ 154.034 SPECIAL ZONING DISTRICT NUMBER 3.

(A) A special Zoning District Number 3 is hereby created and described as the South Half of the Northwest Quarter of the Southeast Quarter of Section 15, Township 58N, Range 18 West of the 4th Principal Meridian.

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(B) All other applicable provisions of Chapter 154 of the Mountain Iron City Code must be complied with in Special Zoning District Number 3.

(C) Special Provisions. The following special provisions must be complied within Special Zoning District Number 3:

- (1) new construction with earth tone natural or muted colors.
- (2) minimum 1200 square feet living space (not garage) foot print.
- (3) up to 3 stall attached garage not to exceed 1000 square feet.
- (4) accessory buildings of same style and appearance as house, no larger than a total of 150 percent of the square footage of the living space of the primary structure not to exceed a maximum height of 25 feet.
- (5) fencing must be wood/simulated wood and left natural or stained earth tones or chain link or decorative iron.
- (6) no double lots.
- (7) 30 months from purchase of lot to substantial completion of structure.
- (8) no commercial or home businesses.
- (9) solid surface (asphalt, concrete, brick pavers) driveways.
(Ord. 02-10, Adopted 4-19-10) (01-13, July 1, 2013)

SHORELAND OVERLAY DISTRICT

§ 154.045 ADMINISTRATION.

(A) *Permits required.*

(1) A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems and those grading and filling activities not exempted by § 154.047. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

(2) A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by §154.047, shall be reconstructed or replaced in accordance with the provisions of this ordinance

(B) *Variances.*

(1) Variances may only be granted in accordance with M.S. Chapter 394 (for counties) or 462 (for municipalities), as they may be amended from time to time, as applicable. A variance may not circumvent the general purposes and intent of this chapter. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations and the characteristics of development on adjacent properties.

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(2) The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in § 154.176 shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

(Prior Code, § 22.14(3.0))

§ 154.046 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICT.

(A) *Shoreland classification system.* The public waters of the city have been classified below consistent with the criteria found in Minn. Regs., part 6120.3300, as it may be amended from time to time, and the Protected Waters Inventory Map for St. Louis County, Minnesota.

(1) *General.* The shoreland area for the waterbodies listed in subsections (2) and (3) shall be as defined in this chapter and as shown on the Official Zoning Map.

(2) *Lakes.*

(a) <i>Natural Environment Lakes</i>	<i>Protected Waters Inventory I.D. #</i>
Majestic	69-0721
Mud	69-0723
Unnamed	69-0724
Kendall	69-0727
Doherty	69-0763
Unnamed	69-1270
Unnamed	69-1272
Mashkenode	69-0725P
Manganika	69-0726P
Little Sandy Lake	69-0729P
Sandy Lake	69-0730P

(b) *Recreational development lakes.*

<i>Recreational Development Lakes</i>	<i>Protected Waters Inventory I.D. #</i>
West Two Rivers Reservoir	69-0994

(c) *General development lakes.*

<i>General Development Lakes</i>	<i>Protected Waters Inventory I.D.#</i>
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(3) *Rivers and streams.*

- (a) Remote rivers, none listed.
- (b) Forested rivers, none listed.
- (c) Transition rivers, none listed.
- (d) Agricultural rivers, none listed.
- (e) Urban rivers, none listed.

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(f) Tributary streams:

<i>Tributary Streams</i>	<i>Legal Description</i>
East Two Rivers	See Section 154.003(B)(1)
Silver Creek	See Section 154.003(B)(1)
West Two Rivers	See Section 154.003(B)(1)
Parkville Creek	See Section 154.003(B)(1)
Kinross Creek	See Section 154.003(B)(1)
Sandy River	See Section 154.003(B)(1)
Unnamed Tributary to Sandy Lake	See Section 154.003(B)(1)
Unnamed Tributary to Sandy River	See Section 154.003(B)(1)
Unnamed Tributary to Little Sandy Lake	See Section 154.003(B)(1)
Unnamed Tributary to Unnamed Tributary (to Sandy River) (Ord. 01-04, March 1, 2004)	See Section 154.003(B)(1)

*All protected watercourses in the city shown on the Protected Waters Inventory Map for St. Louis County, a copy of which is adopted by reference, not given a classification in subsections (a) through (e) above shall be considered “Tributary.”

(B) *Land use district descriptions.*

(1) *Criteria for designation.* The land use districts in subsection (2), and the delineation of a land use district’s boundaries on the Official Zoning Map, must be consistent with the goals, policies and objectives of the Comprehensive Land Use Plan (when available) and the following criteria, considerations and objectives.

(a) *General considerations and criteria for all land uses.*

1. Preservation of natural areas;
2. Present ownership and development of shoreland areas;
3. Shoreland soil types and their engineering capabilities;
4. Topographic characteristics;
5. Vegetative cover;
6. In-water physical characteristics, values and constraints;
7. Recreational use of the surface water;
8. Road and service center accessibility;
9. Socioeconomic development needs and plans as they involve water and related land resources;

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10. Requirements of industry which by its nature requires location in shoreland areas; and

11. The necessity to preserve and restore certain areas having significant historical or ecological value.

(b) *Factors and criteria for Planned Unit Developments.*

1. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;

2. Physical and aesthetic impacts of increased density;

3. Suitability of lands for the planned unit development approach;

4. Level of current development in the area; and

5. Amounts and types of ownership of undeveloped lands.

(2) *Land use district descriptions.* The land use districts provided below and the allowable land uses therein for the given classifications of waterbodies shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minn. Regs., part 6120.3200, Subd. 3, as it may be amended from time to time.

(a) *Land use districts for lakes.*

	<i>General Development Lakes</i>	<i>Recreational Development Lakes</i>	<i>Natural Environment Lakes</i>
Special Protection District - Uses			
- Forest management	P	P	P
- Sensitive resource management	P	P	P
- Agricultural: cropland and pasture	P	P	P
- Agricultural feedlots	C	C	C
- Parks and historic sites	C	C	C
- Extractive use	C	C	C
- Single residential	C	C	C
- Mining of metallic minerals and peat	P	P	P

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	<i>General Development Lakes</i>	<i>Recreational Development Lakes</i>	<i>Natural Environment Lakes</i>
Residential District - Uses			
- Single residential	P	P	P
- Semipublic	C	C	C
- Parks and historic sites	C	C	C
- Extractive use	C	C	C
- Duplex, triplex and residential	P	P	C
- Forest management	P	P	P
- Mining of metallic minerals and peat	P	P	P
High Density Residential District - Uses			
- Residential planned unit developments	C	C	C
- Single residential	P	P	P
- Surface water oriented commercial*	C	C	C
- Semipublic	C	C	C
- Parks and historic sites	C	C	C
- Duplex, triplex, quad residential	P	P	P
- Forest management	P	P	P
Water Oriented Commercial District - Uses			
- Surface water-oriented commercial	P	P	C
- Commercial planned unit development**	C	C	C
- Public, semipublic	C	C	C
- Parks and historic sites	C	C	C
- Forest management	P	P	P
General Use District - Uses			
- Commercial	P	P	C
- Commercial planned unit development**	C	C	C
- Industrial	C	C	N
- Public, semipublic	P	P	C
- Extractive use	C	C	C
- Parks and historic sites	C	C	C
- Forest management	P	P	P
- Mining of metallic minerals and peat	P	P	P
* As accessory to a residential planned unit development			
** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use, provided the provisions of § 154.050 are satisfied.			

(b) *Land use districts for rivers and streams.*

	<i>Remote</i>	<i>Forested</i>	<i>Transition</i>	<i>Agricultural</i>	<i>Urban</i>	<i>Tributary</i>
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	<i>Remote</i>	<i>Forested</i>	<i>Transition</i>	<i>Agricultural</i>	<i>Urban</i>	<i>Tributary</i>
Special Protection District - Uses						
- Forest management	P	P	P	P	P	P
- Sensitive resource management	P	P	P	P	P	P
- Agricultural: cropland and pasture	P	P	P	P	P	P
- Agricultural feedlots	C	C	C	C	C	C
- Parks and historic sites	C	C	C	C	C	C
- Extractive use	C	C	C	C	C	C
- Single residential	C	C	C	C	C	C
- Mining of metallic minerals and peat	P	P	P	P	P	P
Residential District - Uses						
- Single residential	P	P	P	P	P	P
- Semipublic	C	C	C	C	C	C
- Parks and historic sites	C	C	C	C	C	C
- Extractive use	C	C	C	C	C	C
- Duplex, triplex, quad residential	C	C	C	C	C	C
- Forest management	P	P	P	P	P	P
- Mining of metallic minerals and peat	P	P	P	P	P	P
High Density Residential - Uses						
- Residential planned unit developments	C	C	C	C	C	C
- Single residential	P	P	P	P	P	P
- Surface water-oriented commercial*	C	C	C	C	C	C
- Semipublic	C	C	C	C	C	C
- Parks and historic sites	C	C	C	C	C	C
- Duplex, triplex, quad residential	P	P	P	P	P	P
- Forest management	P	P	P	P	P	P
Water Oriented Commercial - Uses						
- Surface water-oriented commercial	C	C	C	C	C	C
- Commercial planned unit development*	C	C	C	C	C	C
- Public, semipublic	C	C	C	P	P	P
- Parks and historic sites	C	C	C	C	C	C
- Forest management	P	P	P	P	P	P

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	<i>Remote</i>	<i>Forested</i>	<i>Transition</i>	<i>Agricultural</i>	<i>Urban</i>	<i>Tributary</i>
General Use District - Uses						
- Commercial	C	C	C	C	P	C
- Commercial planned unit development**	C	C	C	C	C	C
- Industrial	N	C	N	N	C	C
- Public, semipublic	C	C	C	C	P	C
- Extractive use	C	C	C	C	C	C
- Parks and historic sites	C	C	C	C	C	C
- Forest management	P	P	P	P	P	P
- Mining of metallic minerals and peat	P	P	P	P	P	P
* As accessory to a residential planned unit development						
** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use, provided the provisions of § 154.050 are satisfied.						

(C) *Use and upgrading of inconsistent land use districts.*

(1) The land use districts adopted in § 154.020 as they apply to shoreland areas and their delineated boundaries on the Official Zoning Map are not consistent with the land use district designation criteria specified in division (B) of this section. These inconsistent land use district designations may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the Official Zoning Map.

(2) When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply.

(a) *For lakes.* When a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this chapter on the lake must be revised to make them substantially compatible with the framework in divisions (A) and (B) of this section.

(b) *For rivers and streams.* When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this chapter must be revised to make them substantially compatible with the framework in divisions (B) and (C) of this section. If the same river classification is contiguous for more than a five-mile segment, only the shoreland for a distance of 2.5 miles upstream and downstream, or to the class boundary if closer, need be evaluated and revised.

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(3) When an interpretation question arises about whether a specific land use fits within a given use category, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district’s boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the city.

(4) When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The city will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy subsections (1) and (2).

(5) The city must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of division (B) of this section.

(Prior Code, § 22.14(4.0))

§ 154.047 ZONING AND WATER SUPPLY/SANITARY PROVISIONS.

(A) *Lot area and width standards.* The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this chapter for the lake and river/stream classifications are the following.

(1) *Unsewered lakes.*

(a) *Natural environment.*

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

(b) *Recreational development.*

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

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(c) *General development.*

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

(2) *Sanitary system setback and standards.*

(a) *On-site system limiting factor.* The Individual Sewage Treatment Construction Standards, as outlined in Section 52.22, relating to lot area, setback and width standards shall also be complied with. These standards may result in lot area and widths larger than required by the specific dimensional standards listed in the above table. In those situations where the sanitary system limiting factors result in a larger lot size those standards shall be the applicable standards. (Ord. 01-04, March 1, 2004)

(b) *Structure setback from sanitary system.* All occupied structures, including bunkhouses, shall be set back 20 feet from an on-site sewage treatment system drainfield and all accessory structures shall have a minimum setback of ten feet from the system drainfield.

(c) *Sanitary checkoff.* Sanitary Check off: All land use permits issued within the shoreland area and parcels of less than 2.5 acres outside the shoreland area shall have the sanitary system reviewed to determine if the system is failing or if the proposed land use permit would adversely impact the existing sewage system or the expansion area for the sewage system. No land use permit will be issued if there is such an adverse impact or the system is failing unless the sanitary system is upgraded according to County standards with final approval given to the system by the County. The County shall develop administrative guidelines relating to the implementation of this procedure including provisions for not undertaking the check off when a system has been recently approved or reviewed by the County. (Ord. 01-04, March 1, 2004, Am Ord 03-10, 5-3-10)

(3) *Sewered lakes.*

(a) *Natural environment.*

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

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(b) *Recreational development.*

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

(c) *General development.*

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

(4) *River/stream lot width standards.* There are no minimum lot size requirements for rivers and streams other than imposed elsewhere by ordinance. The lot width standards for single, duplex, triplex and quad residential developments for the six river/stream classifications are as follows.

	<i>Remote</i>	<i>Forested</i>	<i>Transition</i>	<i>Agricultural</i>	<i>Urban & Tributary</i>	
					<i>No Sewer</i>	<i>Sewer</i>
Single	300	200	250	150	100	75
Duplex	450	300	375	225	150	115
Triplex	600	400	500	300	200	150
Quad	750	500	625	375	250	190

(5) *Additional special provisions.*

(a) Residential subdivisions with dwelling unit densities exceeding those in the tables in subsections (2) and (3) can only be allowed if designed and approved as residential planned unit developments under § 154.050. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in subsection (2) can only be used if a publicly owned sewer system service is available to the property.

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(b) Subdivisions of duplexes, triplexes and quads on natural environment lakes must also meet the following standards:

1. Each building must be set back at least 200 feet from the ordinary high water level;
2. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
3. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
4. No more than 25% of a lake's shoreline can be in duplex, triplex or quad developments.

(c) One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in subsections (1) through (3) of this division, provided the following standards are met:

1. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created, including the principal dwelling unit;
2. A guest cottage or bunkhouse must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
3. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

(d) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:

1. They must meet the width and size requirements for residential lots and be suitable for the intended uses of controlled access lots;
2. If docking, mooring or over-water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements:

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<i>Ratio of Lake Size to Shore Length (acres/mile)</i>	<i>Required Increase in Frontage (Percent)</i>
Less than 100	25
100-200	20
301-300	15
301-400	10
Greater than 400	5

3. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and

4. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked or stored over water and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

(B) *Placement, design and height of structures.*

(1) *Placement of structures on lots.* When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or not in a bluff impact zone. Structures shall be located as follows.

(a) *Structure and on-site sewage system setbacks (in feet) from ordinary high water level.**

Setbacks*

<i>Classes of Public Waters</i>	<i>Structures</i>		<i>Sewage Treatment System</i>
	<i>Unsewered</i>	<i>Sewered</i>	
<i>Lakes</i>			
Natural environment	150	150	150
Except Mashkenode Lake	100	n/a	100

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Recreational development	100	75	75
General development	75	50	50
Rivers			
Remote	200	200	150
Forested and transition	150	150	100
Agriculture, urban and tributary	100	50	75
* One water-oriented accessory structure designed in accordance with subsection (B)(2) of this section may be set back a minimum distance of ten feet from the ordinary high water level.			

(Amd by Ord. 02-05, February 7, 2005)

(b) *Additional structure setbacks.* The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From:	Setback (in feet)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state or county highway	20
Right-of-way line of town road, public street or other roads or streets not classified.	20

(c) *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(d) *Uses without water-oriented needs.* Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(e) All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height. (Ord. 01-04, March 1, 2004)

(2) *Design criteria for structures.*

(a) *High water elevations.* Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;

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2. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three feet above the ordinary high water level or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

3. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

(b) *Water-oriented accessory structures.* Each lot may have one water-oriented accessory structure not meeting the normal structure setback in subsection (B)(1) if this water-oriented accessory structure complies with the following provisions:

1. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;

2. The setback of the structure or facility from the ordinary high water level must be at least ten feet;

3. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

4. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;

5. The structure or facility must not be designed or used for human habitation and must not contain sewage treatment facilities; and

6. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage and including storage of related boating and water-oriented sporting equipment may occupy an area up to 400 square feet, provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

(c) *Stairways, lifts and landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

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1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties and planned unit developments;

2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties and planned unit developments;

3. Canopies or roofs are not allowed on stairways, lifts or landings;

4. Stairways, lifts and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

5. Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer, leaf-on conditions, whenever practical; and

6. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections 1. to 5. above are complied with in addition to the requirements of Minn. Regs., Chapter 1340, as it may be amended from time to time.

(d) *Significant historic sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

(e) *Steep slopes.* The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

(C) *Shoreland alterations.* Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping and protect fish and wildlife habitat.

(1) *Vegetation alterations.*

(a) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by division (D) of this section are exempt from the vegetation alteration standards that follow.

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(b) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in subsections (F)(2) and (3) of this section, respectfully, is allowed subject to the following standards:

1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District in which the property is located;

2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, provided that:

a. The screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

b. Along rivers, existing shading of water surfaces is preserved; and

c. The above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased or pose safety hazards.

(2) *Topographic alterations/grading and filling.*

(a) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems and driveways.

(b) Public roads and parking areas are regulated by division (D) of this section.

(c) Notwithstanding subsections (a) and (b) above, a grading and filling permit will be required for:

1. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and

2. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones but still within a shoreland district.

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(d) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

1. Grading or filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland: (This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources or the United States Army Corps of Engineers. The applicant will be so advised.)

- a. Sediment and pollutant trapping and retention;
- b. Storage of surface runoff to prevent or reduce flood damage;
- c. Fish and wildlife habitat;
- d. Recreational use;
- e. Shoreline or bank stabilization; and
- f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals or others.

2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible;

4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;

5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;

6. Fill or excavated material must not be placed in a manner that creates an unstable slope;

7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30% or greater;

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8. Fill or excavated material must not be placed in bluff impact zones;

9. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under M.S. § 103G.245, as it may be amended from time to time;

10. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level and the height of the riprap above the ordinary high water level does not exceed three feet.

(e) Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

(D) *Placement and design of roads, driveways and parking areas.*

(1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district or other applicable technical materials.

(2) Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.

(3) Public and private watercraft access ramps, approach roads and access-related parking areas may be placed within shore impact zones, provided the vegetative screening and erosion control conditions of this subsection are met. For private facilities, the grading and filling provisions of subsection (c)(2) of this section must be met.

(E) *Stormwater management.* The following general and specific standards shall apply.

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(1) *General standards.*

(a) When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.

(b) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

(c) When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.

(2) *Specific standards.*

(a) Impervious surface coverage of lots must not exceed 25% of the lot area.

(b) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

(c) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(F) *Special provisions for commercial, industrial, public/semipublic, agricultural, forestry and extractive uses and mining of metallic minerals and peat.*

(1) *Standards for commercial, industrial, public and semipublic uses.*

(a) Surface water-oriented commercial uses and industrial, public or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

1. In addition to meeting impervious coverage limits, setbacks and other zoning standards in this chapter, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

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2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

a. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff;

b. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

c. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

(b) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(2) *Agriculture use standards.*

(a) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(b) Animal feedlots as defined by the Minnesota Pollution Control Agency must meet the following standards:

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1. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and

2. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones;

3. Use of fertilizer, pesticides or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

(3) *Forest management standards.* The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota.”

(a) Shore and bluff impact zones must not be intensively cleared of vegetation; and

(b) An erosion and sediment control plan is developed and approved by the local SWCD before issuance of a conditional use permit for the conversion.

(4) *Extractive use standards.*

(a) *Site development and restoration plan.* An extractive use site development and restoration plan must be developed, approved and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

(b) *Setbacks for processing machinery.* Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

(5) *Mining of metallic minerals and peat.* Mining of metallic minerals and peat, as defined in M.S. §§ 93.44 to 93.51, as they may be amended from time to time, shall be a permitted use, provided the provisions of M.S. §§ 93.44 to 93.51, as they may be amended from time to time, are satisfied.

(G) *Conditional uses.* Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures and criteria and conditions for review of

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conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas.

(1) *Evaluation criteria.* A thorough evaluation of the waterbody and the topographic, vegetation and soils conditions on the site must be made to ensure:

(a) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

(b) The visibility of structures and other facilities as viewed from public waters is limited;

(c) The site is adequate for water supply and on-site sewage treatment;
and

(d) The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

(2) *Conditions attached to conditional use permits.* The city, upon consideration of the criteria listed above and the purposes of this chapter, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:

(a) Increased setbacks from the ordinary high water level;

(b) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

(c) Special provisions for the location, design and use of structures, sewage treatment systems, watercraft launching and docking areas and vehicle parking areas.

(H) *Water supply and sewage treatment.*

(1) *Water supply.* Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

(2) *Sewage treatment.* Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows:

(a) Publicly-owned sewer systems must be used where available;

(b) All private sewage treatment systems shall be in conformance with Section 52.22; (Ord. 01-04, March 1, 2004)

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(c) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in subsection (B)(1);

(d) (Repealed Ord 03-10, 5-3-10)

(e) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with subsection (B)(2) of this section.
(Prior Code, § 22.14(5.0))

§ 154.048 NONCONFORMITIES.

All legally established nonconformities as of the date of this chapter may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use and intensification of use; except that the following standards will also apply in shoreland areas.

(A) *Construction on nonconforming lots of record.*

(1) Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of division (A) of this section may be allowed as building sites without variances from lot size requirements, provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time and sewage treatment and setback requirements of this chapter are met.

(2) A variance from setback requirements must be obtained before any use, sewage treatment system or building permit is issued for a lot. In evaluating the variance, the

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Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

(3) If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of § 154.047(A), the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of § 154.047(A) as much as possible.

(B) *Additions/expansions to nonconforming structures.*

(1) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height and other requirements of this section. Any deviation from these requirements must be authorized by a variance pursuant to § 154.045(C).

(2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

(a) The structure existed on the date the structure setbacks were established;

(b) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

(c) The deck encroachment toward the ordinary high water level does not exceed 15% of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and

(d) The deck is constructed primarily of wood and is not roofed or screened.

(C) *Nonconforming sewage treatment systems.*

(1) A sewage treatment system not meeting the requirements of § 154.047(H) must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on or use of the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

(2) The governing body of the City of Mountain Iron contacts the St. Louis County Health Department to identify nonconforming sewage treatment systems. The City of Mountain Iron will require upgrading or replacement of any nonconforming systems identified by the St. Louis County Health Department within a reasonable period of time which will not

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exceed two (2) years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103F.201, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by Saint Louis County, shall be considered nonconforming.

(Prior Code, § 22.14(6.0)) (Ord. 04-01, March 1, 2004, Amd Ord 03-10, 5-3-10)

§ 154.049 SUBDIVISION/PLATTING PROVISIONS.

(A) *Land suitability.* Each lot created through subdivision, including planned unit developments authorized under § 154.050, must be suitable in its natural state for the proposed use with minimal alteration. Suitability shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.

(B) *Consistency with other controls.* Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with § 154.047(B) and (H) can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of § 154.047(A), including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

(C) *Information requirements.* Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:

(1) Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

(2) The surface water features required in M.S. § 505.02, Subd. 1, as it may be amended from time to time, to be shown on plats obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

(3) Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests or other methods;

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(4) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

(5) Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

(6) A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs and the minimum building setback distances from the top of the bluff and the lake or stream.

(D) *Dedications.* When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

(E) *Platting.* All subdivisions that create five or more lots or parcels that are two and one-half acres or less in size shall be processed as a plat in accordance with M.S. Chapter 505, as it may be amended from time to time. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

(F) *Controlled access or recreational lots.* Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in § 154.047(A)(4).
(Prior Code, § 22.14(7.0))

§ 154.050 PLANNED UNIT DEVELOPMENTS.

(A) *Types of PUDs permissible.* Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in § 154.046(B) and the Official Zoning Map.

(B) *Processing of PUDs.* Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six or less new dwelling units or sites since the date this chapter was adopted is permissible as a permitted use, provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in division (E) of this section. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

(C) *Application for a PUD.* The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

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(1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided) and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two;

(2) A property owners association agreement (for residential PUDs) with mandatory membership and all in accordance with the requirements of division (F) of this section;

(3) Deed restrictions, covenants, permanent easements or other instruments that:

(a) Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft and construction of commercial buildings in residential PUDs; and

(b) Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in division (F) of this section;

(4) When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied;

(5) Those additional documents as requested by the city that are necessary to explain how the PUD will be designed and will function.

(D) *Site “suitable area” evaluation.* Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in division (E) of this section.

(1) The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	<i>Unsewered (Feet)</i>	<i>Sewered (Feet)</i>
General development lakes - first tier	200	200
General development lakes - second and additional tiers	267	200

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Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

(2) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

(E) *Residential and commercial PUD density evaluation.* The procedures for determining the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

(1) *Residential PUD “base” density evaluation.*

(a) The suitable area within each tier is divided by the single residential lot size standard for lakes or for rivers, the single residential lot width standard times the tier depth, to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density and suitability analyses herein and the design criteria in division (F) of this section.

(b) Commercial PUD “base” density evaluation:

1. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages or porches and basements, unless they are habitable space.

2. Select the appropriate floor area ratio from the following table.

***Commercial Planned Unit Development
Floor Area Ratios*
Public Waters Classes***

<i>*Average Unit Floor Area (Sq. Ft.)</i>	<i>Sewered General Development Lakes; First Tier on Unsewered General Development Lakes; Urban, Agricultural, Tributary, River Segments</i>	<i>Second and Additional Tiers on Unsewered General Development Lakes; Recreational Development Lakes; Transition and Forested River Segments</i>	<i>Natural Lakes and Remote River Segments</i>
200	.040	.020	.010
300	.048	.024	.012

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<i>*Average Unit Floor Area (Sq. Ft.)</i>	<i>Sewered General Development Lakes; First Tier on Unsewered General Development Lakes; Urban, Agricultural, Tributary, River Segments</i>	<i>Second and Additional Tiers on Unsewered General Development Lakes; Recreational Development Lakes; Transition and Forested River Segments</i>	<i>Natural Lakes and Remote River Segments</i>
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

(c) Multiply the useable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites;

(d) Divide the total floor area by tier computed in subsection (c) above by the average inside living area size determined in subsection (a) above. This yields a base number of dwelling units and sites for each tier;

(e) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in division (F) of this section.

(3) *Density increase multipliers.*

(a) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in § 154.047 are met or exceeded and the design criteria in division (F) of this section are satisfied. The allowable density increases in subsection (b) below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography or additional means acceptable to the local unit of government and the setback is at least 25% greater than the minimum setback.

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(b) Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

<i>Density Evaluation Tiers</i>	<i>Maximum Density Increase Within Each Tier (Percent)</i>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

(F) *Maintenance and design criteria.*

(1) *Maintenance and administration requirements.*

(a) *Prior to final approval.* Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

(b) *Open space preservation.* Deed restrictions, covenants, permanent easements, public dedication and acceptance or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

1. Commercial uses prohibited (for residential PUDs);
2. Vegetation and topographic alterations other than routine maintenance prohibited;
3. Construction of additional buildings or storage of vehicles and other materials prohibited; and
4. Uncontrolled beaching of watercraft prohibited.

(c) *Development organization and functioning.* Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:

1. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
2. Each member must pay a pro rata share of the association's expenses and unpaid assessments can become liens on units or sites;
3. Assessments must be adjustable to accommodate changing conditions; and

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4. The association must be responsible for insurance, taxes and maintenance of all commonly owned property and facility.

(2) *Open space requirements.* Planned unit developments must contain open space meeting all of the following criteria:

(a) At least 50% of the total project area must be preserved as open space;

(b) Dwelling units or sites, road rights-of-way or land covered by road surfaces, parking areas or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;

(c) Open space must include areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries;

(d) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites and by the general public;

(e) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;

(f) Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;

(g) The appearance of open space areas, including topography, vegetation and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance or other equally effective and permanent means; and

(h) The shore impact zone, based on normal structure setbacks, must be .04 included as open space. For residential PUDs, at least 50% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least 50% of the shore impact zone must be preserved in its natural state.

(3) *Erosion control and stormwater management.* Erosion control and stormwater management plans for PUDs must be developed and:

(a) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips or other appropriate

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techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

(b) Be designed and constructed to effectively manage reasonable expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25% of the tier area, except that for commercial PUDs 35% impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with § 154.047(C).

(4) *Centralization and design of facilities.* Centralization and design of facilities and structures must be done according to the following standards:

(a) Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and § 154.047(B) and (H) of this section. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

(b) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features and maximum height; setbacks from the ordinary high water level must be increased in accordance with subsection (E)(3) of this section for developments with density increases;

(c) Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock or other relevant factors. The number of spaces provided for continuous beaching, mooring or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp and facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

(d) Structures, parking areas and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the governing body of this chapter, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

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(e) Accessory structures and facilities, except water-oriented accessory structures, must meet the required principal structure setback and must be centralized; and

(f) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in § 154.047(B)(2) and are centralized.

(G) *Conversions.* Existing resorts or other land uses and facilities may be converted to residential planned unit developments if all of the following standards are met.

(1) Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

(2) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
(Prior Code, § 22.14(8.0))

REGULATIONS

§ 154.065 COMPLIANCE.

Except as hereinafter provided, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the District in which it is located.
(Prior Code, § 22.21(1))

§ 154.066 LIMITATION ON ISSUANCE OF PERMITS.

No building permit, zoning permit or certificate of occupancy shall be issued for any purpose inconsistent with the land uses permitted in the affected district or inconsistent with a variance or conditional use permit duly granted in accordance with this chapter.
(Prior Code, § 22.21(2))

§ 154.067 BUILDING REQUIREMENTS.

No building or other structure shall hereafter be erected or altered to exceed in height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area;

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or to have narrower or smaller rear yards, front yards, side yards or other open spaces than therein required; or in any other manner contrary to the provisions of this chapter.

(Prior Code, § 22.21(3))

§ 154.068 FOUNDATIONS.

Any structure designed to be used as a dwelling shall be placed on a foundation constructed of masonry, concrete or treated wood.

(Prior Code, § 22.21(4))

§ 154.069 AREA REQUIREMENTS.

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

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

(Prior Code, § 22.21(5))

§ 154.070 MINIMUM REQUIREMENTS.

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

(Prior Code, § 22.21(6))

§ 154.071 DWELLING ON ANY LOT OF RECORD.

In any district where dwellings are permitted, a one-family detached dwelling may be erected on a nonconforming lot, provided that:

(A) The lot was a lot of record before the effective date of this chapter as amended in its entirety;

(B) The lot is in separate ownership from abutting lands;

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(C) All applicable setbacks and yard requirements are satisfied or modified by variance.

§ 154.072 HEIGHT LIMITATIONS NOT APPLICABLE.

The height limitations stipulated in this chapter shall not apply to the following:

(A) Essential service structures, architectural features and the like: church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, chimneys, smoke stacks, flag poles, radio and television towers, masts and aerials, also parapet walls extending not more than four feet above the limiting height of the building.

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

(C) Elevator penthouses and the like: elevator penthouses (elevator machinery loft), monitors and scenery lofts, provided no linear dimension of any such structure exceeds 50% of the corresponding street lot line frontage. Fire hose or cooling towers, elevators, gas holders or other structures incorporated into a principal structure where a manufacturing process requires a greater height shall be excepted.
(Prior Code, § 22.21(8))

§ 154.073 YARD AND FRONTAGE LIMITATIONS NOT APPLICABLE.

The yard and frontage limitations stipulated elsewhere in this chapter shall not apply to the following. Average depth of front yards, front yard observed: in any district where front yards are required and where 40% or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard that is greater or less than the required front yard in the district, no building shall project beyond the average front yard as established. Where such varying average front yard setback has been established no variance shall be required for structure placement.

(Prior Code, § 22.21(9))

§ 154.074 YARD SPACE.

Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located except as specified below. The required yard space for any building, structure or use shall be contained on the same lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or

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districts which the principal use is permitted. Any required yard space shall be open from 36 inches above the ground to the sky except as specified elsewhere in this chapter.

(Prior Code, § 22.21(10))

§ 154.075 PLACEMENT OF SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES ON LARGE LOTS.

In any Residence District where a single or two family structure is to be developed on large lots which could later be subdivided and still meet the dimensional and area requirements for another lot for the district in which it is situated, it is desirable but not mandatory for such structure to be placed in a manner which would permit such later re-subdivision.

(Prior Code, § 22.21(11))

§ 154.076 YARD SPACE ENCROACHMENTS; PROJECTIONS INTO YARDS.

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

(1) Cornices, sills, belt courses, eaves and other ornamental features to a distance of not more than two feet six inches;

(2) Fire escapes to a distance of not more than four feet six inches;

(3) Landings and uncovered porches, when constructed not more than three feet above the ground level at the building line or at the entrance floor level, to a horizontal distance of not more than eight feet. An open railing no higher than three feet six inches may be placed around such structure;

(4) Bay windows and chimneys to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third the length of the building wall on which they are located;

(5) Porte cocheres or canopies to a distance of not more than four feet six inches;

(6) Balconies, in Residence Districts, to a distance of not more than four feet into yards of less than 20 feet and to a distance of not more than eight feet into yards of more than 20 feet; provided that said balconies do not occupy, in the aggregate, more than one-third the length of the building wall on which they are located.

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

(Prior Code, § 22.21(12))

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§ 154.077 YARD SPACE EXCEPTION, STEEP SLOPES.

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

(Prior Code, § 22.21(13))

§ 154.078 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.

(Prior Code, § 22.21(14))

§ 154.079 HOUSING DEVELOPMENTS WITH SINGLE OPEN SIDE YARDS.

Every development proposal which is designed so as to place the principal structure abutting a side property line in order to have only one open side yard must file with the Zoning Administrator a signed copy of the covenant assuring access through the adjacent yard for the purposes of repairs and general maintenance. Such covenant is mandatory and the issuance of a certificate of occupancy shall be contingent on the filing.

(Prior Code, § 22.21(15))

§ 154.080 ACCESSORY BUILDINGS.

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

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

(C) A building permit is not required for accessory buildings of 120 square feet or less if they are not placed on a permanent foundation, not located in the front yard, and meet rear and side setbacks, except in Zoning Classifications that limit the total square footage of accessory structures. (Amd 06-15. 09-08-15)

(Prior Code, § 22.21(16)) (Am. Ord. 01-98, passed 4-6-1998; Am. Ord. 01-08, passed 5-19-2008)

§ 154.081 FENCES, WALLS, TREES AND HEDGES IN RESIDENTIAL DISTRICTS.

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(A) Fences, walls: fences for decorative, screening and/or confinement purposes may be constructed on any lot; provided, however, that fences in any front or side yard of a corner lot shall be limited to a maximum height of 30 inches along the street side within 40 feet of the intersecting street right-of-way lines, and of 60 inches if of mesh or similar construction permitting functional line-of-sight through such fencing for purposes of street traffic safety.

(B) All fencing shall be so constructed so that the exterior or outer face of the fencing will face to the outside or away from the property being fenced. This means that the fence posts, bracing and similar material will be located on the inside or the owner's side of the fence. All fencing shall be maintained so that the exposed outer surface shall be one uniform color and in a neat and aesthetically pleasing condition.

(C) Trees, hedges: fences and hedges not over six feet in height may occupy any yard except no fence or hedge or other planting (maximum 24 inches diameter) exceeding 30 inches in height or a tree where the diameter of the trunk is greater than 24 inches or there are limbs less than ten feet above the ground shall be permitted where there will be interference with traffic sight distance at a corner.

(D) A zoning permit is required for fence construction in all zoning districts except rural residential (22.05).
(Prior Code, § 22.21(17)) (Ord. 01-97, passed 10-6-1997)

§ 154.082 POLE BUILDINGS.

Pole buildings shall be allowed as an accessory use in any Residential District, provided that they comply with the following items: overhead door, enameled panels, 40 pound roof snow load and gable or hip type roof construction. A building permit is not required for agricultural buildings.

(Prior Code, § 22.21(18))

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§ 154.083 OFF-STREET PARKING AND LOADING SPACES.

Off-street parking and loading spaces shall be required in all zoning districts according to the following schedule.

TABLE 1
SCHEDULE OF REQUIRED OFF-STREET PARKING AND LOADING SPACES

<i>Use or Use Category</i>	<i>Parking Spaces</i>		<i>Loading Spaces Required</i>	
	<i>Number</i>	<i>Unit/Measure</i>	<i>Floor Area</i>	<i>Number</i>
<i>Residential</i>				
Dwelling, 1 & 2 family	2.0	Dwelling unit	--	None
Townhouses	2.0	Dwelling unit	--	None
Dwelling, multi-family, except elderly	1.5	Efficiency or 1 bedroom 2 or more bedroom	1 per complex building	
Dwelling, multi-family which are specifically designed for & occupied exclusively by persons 60 years of age or older	0.8	Dwelling unit		
Motels, hotels	1.0	Sleeping unit	Under 20,000 20,000-50,000 50,000-100,000	1 2 3
<i>Educational, Cultural and Institutional</i>				
Churches, auditoriums and other place or assembly	1.0	4 seats	Under 100,000 Over 100,00	1 2
Elementary & nursery schools	2.0	Per classroom	--	1
Hospitals, convalescence or nursing homes	1.0 1.0	4 beds plus: 2 employees or professional staff members	Under 10,000 10,000-50,000 Each part of 50,000 over 50,000	1 2 1 add'l
Junior & senior high school	1.0 1.0	2 employees plus: each 5 seats in auditorium, stadium, and the like (whichever is larger)	--	1
Public libraries, museums and art galleries	1.0	300 sq. ft. floor	--	1
<i>Commercial</i>				

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<i>Use or Use Category</i>	<i>Parking Spaces</i>		<i>Loading Spaces Required</i>	
	<i>Number</i>	<i>Unit/Measure</i>	<i>Floor Area</i>	<i>Number</i>
Automobile or machinery sales	6.0	500 sq. ft. of floor area over 1,000	Less than 2,000	None
Bowling alleys	5.0	Per alley	2,000-5,000	1
Clinics	1.0	200 sq. ft. floor area	5,000-10,000	2
Funeral homes	1.0	5 seats with minimum of 20 spaces	10,000-20,000	3
Furniture & appliance stores	1.0	600 sq. ft. floor area	40,000-70,000	5
Offices, banks and public administration	1.0	300 sq. ft. floor area	Each part of 50,000 over 70,000	1 add'l
Restaurants, night clubs	1.0	75 sq. ft. floor area		
Retail stores over 2,000 sq. ft.	4.0	1,000 sq. ft.		
Shopping center	5.0	1,000 sq. ft. floor area		
All other commercial	1.0	300 sq. ft. floor area		
<i>Wholesaling</i>				
Industrial, warehousing	1.0	2 employees of largest shift or per 2,000 sq. ft. of floor area, whichever is greater	Under 10,000 10,000-20,000 20,000-40,000 40,000-70,000 70,000-110,000 Each part of 50,000 over 110,000	1 2 3 4 5 1 add'l

(Prior Code, § 22.21(19))

§ 154.084 ENCLOSURES.

Prefabricated utility enclosures may be used without a permit in any district as temporary protection for construction equipment and materials being used to construct a structure for which a building permit has been issued. (Ord. 02-07 April 2, 2007)

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SIGNS

§ 154.095 PERMITS REQUIRED.

Zoning permits for both on-site and off-site signs shall be required and shall be subject to the requirements stated in this subchapter. Signs costing more than \$100 shall also require a building permit.

(Prior Code, § 22.22(1))

§ 154.096 EXEMPTION.

Zoning permits shall not be required and the regulations stated in this subchapter shall not apply to the following:

(A) Signs mounted flush on a building wall or applied directly to a wall and not protruding beyond the wall and which are related to the activity within the building;

(B) Signs not exceeding four square feet in area and bearing only property numbers, post box numbers, names of occupants, fire numbers or other identification of premises, not having commercial connotations;

(C) Flags and insignias of any government except when displayed in connection with commercial promotion;

(D) Legal notices, identification, information or directional signs erected or required by governmental bodies, as defined in M.S. § 173.02, Subd. 6, as it may be amended from time to time;

(E) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;

(F) Signs directing and guiding traffic and parking on private property but bearing no advertising matter;

(G) A temporary sign indicating real estate for rent or for sale, related to the premises only on which it is located, and not exceeding six square feet in area.

(Prior Code, § 22.22(2))

(H) Bed and Breakfast Homes

§ 154.097 PROHIBITED SIGNS.

No sign in the following category shall be erected or maintained:

(A) Signs which purport to be or resemble an official traffic control device, sign or signal or railroad sign or signal; or which hide from view or interfere to any material degree with

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the effectiveness of any traffic control device, sign or signal or railroad sign or signal; or which obstructs or interferes with a driver's view of approaching, merging or intersecting traffic for a distance not to exceed 500 feet;

(B) Signs which prominently display the words “stop” or “danger;”

(C) Signs which contain statements, words or pictures of an obscene, indecent or immoral character or such as offend public morals or decency;

(D) Signs on trees or shrubs or which are painted or drawn upon rocks, other natural features, public utility poles or abandoned buildings;

(E) Signs accessible only from a controlled access highway, but excluding adjacent frontage roads;

(F) Signs which are structurally unsafe, in disrepair or are abandoned;

(G) Signs within the right-of-way of any public roadway.
(Prior Code, § 22.22(3))

§ 154.098 GENERAL REGULATIONS.

The following regulation shall apply in all districts.

(A) *Official signs.* Only official identification, directional or traffic control signs, as defined in M.S. § 173.02, Subd. 6 (a), (b) and (d), as it may be amended from time to time, and all acts amendatory thereof, shall be allowed within the public right-of-way.

(B) *Setbacks.* All signs shall be set back a minimum distance of ten feet from any front, side or rear lot line, except that normal required setbacks shall prevail in the Shoreland Overlay District where applicable.

(C) *Lighting.* Signs shall not be erected or maintained which contain, include or are illuminated by any flashing lights, except those giving public service information such as time, date, temperature, weather or news.

(1) Signs shall not be erected or maintained which are not effectively shielded so as to prevent:

(a) Beams or rays of light from being directed at any portion of the traveled way of any roadway; or

(b) Beams of light of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle.

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(2) No sign shall be erected or maintained which will be so placed or illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device or signal or any official sign.

(D) The change in advertising message, maintenance and repair or the use of extensions, cut-outs or embellishments upon an existing sign shall not be considered an enlargement, extension or structural alteration, provided that thereby the sign does not exceed any other limitation imposed by this chapter.

(Prior Code, § 22.22(4))

§ 154.099 ON-SITE SIGN REGULATIONS.

(A) On-site signs within commercial or industrial zone districts shall be limited to not more than three display faces, each not to exceed 25 square feet in area for each 25 linear feet of total road frontage.

(B) For the purpose of providing necessary direction or identification for approved commercial uses and industrial uses as listed in this chapter, one on-site sign per each use shall be permitted, provided such sign shall not exceed 68 square feet per each of two faces or sides or 128 square feet if only a one sided sign. No on-site sign shall be permitted for home occupations.

(Prior Code, § 22.22(5))

§ 154.100 OFF-SITE SIGN REGULATIONS.

Off-site signs shall be allowed as conditional uses as provided in this chapter, provided the following standards and criteria are adhered to:

(A) The maximum area of a sign face, whether a single sign face or each face of two back to back or V-type signs, shall not exceed 500 square feet, including border and trim, but excluding base and apron supports and other structural members. The maximum size limitation stated herein shall apply to each side of a sign structure, and signs may be placed back to back, side by side or in a V-type arrangement, provided that there shall be not more than two displays to each facing and such structure shall be considered as one sign;

(B) Off-site signs shall not be erected or maintained in such a place or manner as to obscure or otherwise physically interfere with an official traffic control device or a railroad safety signal or sign or to obstruct or physically interfere with a driver's view or approaching merging or intersecting traffic for a distance of 500 feet;

(C) No off-site sign shall be erected closer to any other off-site sign on the same side of the same roadway facing traffic proceeding in the same direction than 300 feet on any other highway or road.

(Prior Code, § 22.22(6))

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§ 154.101 POLITICAL POSTERS.

All non-commercial signs of any size may be posted from August 1 in a state general election year until ten days following the state general election, and in the case of a special election, from 30 days before the special election to ten days after a special election.
(Prior Code, § 22.22(7))

EXTENSIVE EXCAVATION/FILL OR BORROW PIT OPERATIONS

§ 154.120 PERMITS REQUIRED.

A conditional use permit shall be required for the extensive excavation/fill of any peat, topsoil, sand gravel or similar operation or the establishment of a borrow pit in all districts except the Mineral Mining District where they shall be considered a permitted use. The procedures specified in §§ 154.140 *et seq.* shall be followed in determining whether a conditional use may be granted. A building permit shall be required for any permanent or temporary structure accessory to such operations.
(Prior Code, § 22.23(1))

§ 154.121 EXTENSIVE EXCAVATION/FILL DEFINED.

For purposes of this subchapter, *EXTENSIVE* shall mean the excavation/fill of 100 cubic yards or more of material in platted areas and 400 cubic yards or more in unplatted areas.
(Prior Code, § 22.23(2))

§ 154.122 EXEMPT OPERATIONS.

The excavation/fill of materials for the purpose of installing building foundations in platted and unplatted areas shall be exempt from these special provisions; provided, however, that such exemption shall apply only to the actual foundation or building floor area. This shall not be interpreted to include extensive site preparation which shall require a permit.
(Prior Code, § 22.23(3))

§ 154.123 REQUIRED INFORMATION.

In addition to the information required for conditional use permit applications for extensive excavation/fill operations and borrow pits shall contain the following:

(A) Nature of the proposed operation and plan for the future use of the property upon completion of the operation;

(B) Development plans showing excavation/fill or borrow pit operations in relation to property lines and the use of surrounding properties, existing and proposed elevations and slopes at completion, access routes to be used in hauling to and from the site;

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(C) Daily hours of equipment operation on the site and the estimated starting and completion dates for the proposed operation;

(D) A statement as to whether or not explosives will be used during the operation;

(E) A statement as to the methods to be used to suppress dust.
(Prior Code, § 22.23(4))

§ 154.124 SAFETY PRECAUTIONS.

If during the excavation/fill or borrow pit operations it becomes necessary to create a condition of grade or drainage not in the interest of health or safety, it shall be the duty of the permit holder to immediately correct the dangerous situation created. No water or other waste shall be allowed to run off from any pit or depression into any stream, lake or pond so as to pollute the same.

(A) Operations shall be limited to reasonable hours that will not interfere with the health, safety or welfare of surrounding residents and the premises and activities shall be designed and operated so as not to create a nuisance.

(B) When explosives are used and the permittee so authorized all necessary precautions and care shall be taken so as not to endanger life and/or damage and destroy property.

(C) All explosives shall be stored in a reasonably secure and safe place or places and all such storage places shall be clearly marked “Dangerous - Explosives” and shall have appropriate warning symbols.

(D) The method of storing and handling explosives and highly inflammable materials shall conform with current standards of the State of Minnesota.

(E) A log of the time and day and personnel familiar with the work shall be kept of all blasting and a copy of said log shall be made available to the Zoning Administrator.

(F) In the case of borrow pit operations, at the end of each season’s operations and no later than the last day of December of each year, the pit is to be left in a neat and orderly condition, with reasonable uniform slopes without overhang.

(G) Following the completion of the excavation/fill or borrow pit operation, the permit holder shall restore the land to a useable and safe condition by means approved at the time of issuance of the zoning permit.
(Prior Code, § 22.23(5))

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§ 154.125 BONDING.

It shall be necessary for the person securing a zoning permit for excavation/fill or borrow pit operation involving 5,000 cubic yards or more of material to present adequate proof of bonding to the city in the form of a performance bond, sufficient in value to cover the expense of the completion of the development plan for site grade or to bring such portion of the completed project to a safe grade and elevation and to provide adequate drainage of the site.

(Prior Code, § 22.23(6))

§ 154.126 REVIEW OF APPLICATION.

The Zoning Administrator may submit any zoning permit application to the City Engineer for review and approval where this is deemed necessary. Such conditions or limitations as may be suggested by the City Engineer may be attached to, and become a part of, the zoning permit. Permit applications submitted in the above manner shall be processed and returned to the Zoning Administrator within ten days of the date received.

(Prior Code, § 22.23(7))

§ 154.127 DECLARATION OF PUBLIC NUISANCE.

The Council may, in addition to any or all other remedies available for violations of this subchapter, declare the premises to be a public nuisance and public hazard, and after a public hearing held in accordance with the provisions of this chapter, proceed to have the necessary work done to comply with the provisions of this chapter and stipulations of the permit as issued and assess all the costs and expense thereof against said property.

(Prior Code, § 22.23(8))

CONDITIONAL USES

§ 154.140 AUTHORITY.

The Council may, after review and recommendation by the Planning Commission, grant a conditional use permit authorizing the development of uses listed as conditional uses in each of the zoning districts in this chapter or as otherwise enumerated in this subchapter.

(Prior Code, § 22.24(1))

§ 154.141 STANDARDS AND CONDITIONS FOR CONDITIONAL USES.

A conditional use permit may be granted for the following uses only:

(A) Any use specifically listed as a conditional use in the regulations applicable to the district in which it is to be located;

(B) A conditional use permit may be granted only if evidence is presented to establish:

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(1) That the proposed building or use at the particular location requested is necessary or desirable to provide convenience and will contribute to the general welfare of the neighborhood or community;

(2) That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and

(3) That the proposed building or use will be designed, arranged and operated so as to permit development and use of neighboring property in accordance with the applicable district regulations;

(C) The Council may impose such conditions upon the premises benefitted by a conditional use permit as may be necessary to prevent or minimize injurious effects therefrom upon other property in the neighborhood. Violation of such conditions and safeguards shall be a violation of this chapter.

(Prior Code, § 22.24(2))

§ 154.142 PROCEDURE.

(A) An application for a conditional use permit shall be submitted to the Zoning Administrator on forms supplied by the city. Except as specifically excused by a written order of the Planning and Zoning Commission, a copy of which order shall be attached to the application, the application shall contain the submissions listed in § 154.143, as well as such additional information and submissions as may be prescribed by rule of the Planning and Zoning Commission.

(B) A public hearing shall be set, advertised and conducted by the Planning and Zoning Commission in accordance with procedures set forth in § 154.179.

(C) After the conclusion of the public hearing, the Planning and Zoning Commission shall transmit to the Council a written report containing its recommendations concerning findings of fact specifying the reasons for the recommendations.

(D) The Council shall, after the receipt of the report of the Planning and Zoning Commission, grant or deny the conditional use or refer the matter back to the Planning and Zoning Commission for further consideration. The Council shall not grant a conditional use permit unless it finds that the standards of this subchapter have been satisfied. Any proposed conditional use which fails to receive the approval of the majority of the members of the Planning Commission voting upon it shall not be passed except by a favorable vote of four-fifths of the Council.

(E) A conditional use permit shall be valid for a period of one year, after which the same shall be revoked in the event that any proposed construction, alteration or operation has not been started in accordance with the terms of such permit.

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(F) A conditional use permit, once issued, shall be transferable for a use of the same classification in the event of change of property ownership or control, providing, however, that those conditions attached to the original permit shall be applicable to the responsible agent following such change. It shall be the duty of the original permit holder to advise the party assuming control regarding the condition of such permit.
(Prior Code, § 22.24(3))

§ 154.143 REQUIRED SUBMISSIONS.

The following information shall be included with the formal application for a conditional use permit:

- (A) Legal description of the tract of land;
- (B) Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all ownership and beneficial interest in the tract of land and the proposed development;
- (C) Evidence of the financial capability of the applicant to complete the proposed development;
- (D) Plans drawn to convenient scale, showing the current zoning classification and existing land use of the tract and those tracts directly adjacent to it and any significant topographical or physical features on the tract;
- (E) Three copies of preliminary plans, drawn to a convenient scale, showing the following information:
 - (1) The location, size, use and arrangement of proposed and existing buildings and uses which will remain;
 - (2) The proposed quantity and arrangement of off-street parking and loading spaces;
 - (3) The location of proposed entrance, exit and circulation drives;
 - (4) The location, use and size of structure and other land uses on adjacent properties;
- (F) When it deems it to be necessary, the Planning and Zoning Commission may require a traffic survey setting out and analyzing the effect that the conditional use will have upon traffic in the streets and thoroughfares adjacent to and in the proposed development;
- (G) A statement as to why the proposed conditional use will not cause substantial injury to the value of other property in the neighborhood; and

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(H) A statement as to how the proposed conditional use is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations.

(Prior Code, § 22.24(4))

§ 154.144 DURATION.

(A) A conditional use permit shall be transferable for a use of the same classification in the event of change of property ownership or control, providing, however, that those conditions attached to the original permit shall be applicable to the responsible agent following such change. It shall be the duty of the original permit holder to advise the party assuming control regarding the condition of such permit.

(B) A conditional use permit shall be permitted to remain as long as the conditions agreed upon are observed, but nothing in this section shall prevent the municipality from enacting or amending official controls to change the status of conditional uses.

(Prior Code, § 22.24(5))

§ 154.145 FILING OF PERMIT.

A certified copy of any conditional use permit shall be filed for record with the County Recorder or Registrar of Titles. The conditional use permit shall include the legal description of the property.

(Prior Code, § 22.24(6))

NONCONFORMING LOTS, LAND USES AND STRUCTURES

§ 154.160 INTENT.

(A) Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited under the terms of this chapter or future amendment.

(B) It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted or conditional uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended or to be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(C) A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment of additional signs to a building or the placement of additional signs or display devices on the land outside the building or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.

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(D) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, constructions or designated use of any building on which the actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner and demolition, elimination and removal of an existing structure in connection with such structure, provided that actual construction work shall be diligently carried on until the completion of the building involved.
(Prior Code, § 22.26(1))

§ 154.161 NONCONFORMING LOTS OF RECORD.

(A) In any residential district or commercial district, notwithstanding limitations imposed by other provisions of this chapter, structures may be erected on any single lot of record provided that: (Amd 04-15, April 6, 2015)

- (1) The lot was a lot of record before the effective date of this chapter, as amended in its entirety; (Amd 04-15, April 6, 2015)
- (2) The lot is in separate ownership from abutting lands; (Amd 04-15, April 6, 2015)
- (3) All applicable setbacks and yard requirements are satisfied or modified by the Board of Adjustment and Appeals. (Amd 04-15, April 6, 2015)

(B) If two or more lots or combinations of lots and portions of lots with continuous frontage in a single ownership are of record at the time of passage or amendment of this subchapter, and if all or part of the lots do not meet the requirements for lot width and area as established for this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with and/or area below the requirements stated in this chapter. For purposes of this subdivision, recorded lots presently leased from the State of Minnesota shall be considered in the same category as others in single ownership.
(Prior Code, § 22.26(2))

§ 154.162 NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(A) No such nonconforming use shall be enlarged or increased, nor extend to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this subchapter;

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(B) No such nonconforming use shall be moved in whole or part to any other portion of the lot or parcel occupied by such use after the effective date of adoption or amendment of this subchapter;

(C) If any such nonconforming use of land ceases for any reason for a period of more than 90 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
(Prior Code, § 22.26(3))

§ 154.163 NONCONFORMING STRUCTURES.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this subchapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No such structure may be enlarged, extended, converted, reconstructed or structurally altered unless the use of the structure is changed to one permitted within the district in which the building is located. The nonconforming use shall not thereafter be resumed.

(B) Should such structure be destroyed by any means to an extent of more than 50% of its market value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. An exception may be considered in order to use existing slabs for reconstructions, or to rehabilitate a damaged structure when insurance will cover such rehabilitation, but not total replacement costs, subject to approval of a variance by the Board of Adjustment and Appeals.

(C) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is moved.

(D) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for more than one year, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(E) When a nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(F) Notwithstanding any provision of this section to the contrary, any principal or accessory structure existing on the effective date of this provision, and which is nonconforming only by reason of placement on a lot of insufficient size, and which would otherwise be permitted in the zoning district, shall for the purpose of administration of this chapter be considered a conforming use. Such principal or accessory structure may be altered, expanded, renovated or improved, provided that it does not exceed the dimensional requirements of the

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zoning district as to lot area, lot coverage and building line setbacks unless these requirements are modified by the Zoning Board of Adjustment and Appeals.

(Prior Code, § 22.26(4))

§ 154.164 REPAIRS AND MAINTENANCE.

(A) On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubical space content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

(B) Nothing in this chapter shall be construed so as to prevent the restoring of a nonconforming structure to a safe condition when said structure is declared to be hazardous or unsafe by the City Building Official. Such restoration shall not extend the nonconforming structure in any manner, except as reasonably required to eliminate the hazardous or unsafe condition.

(Prior Code, § 22.26(5))

ADMINISTRATION AND ENFORCEMENT

§ 154.175 GENERALLY.

(A) A Zoning Administrator designated by the city shall be the enforcement officer and shall be responsible for the enforcement of this chapter.

(B) The duties of the Zoning Administrator shall be as follows:

(1) Examine all applications pertaining to the use of land, buildings or structures and grant approval of and issue zoning permits or take other appropriate action on such applications when in conformance with the provisions of this chapter;

(2) Keep a record of all nonconforming uses within the several zoning districts of the city;

(3) Periodically inspect buildings, structures and uses of land to determine compliance with the terms of this chapter;

(4) Notify, in writing, any person responsible for violating a provision of this chapter, indicating the nature of the violation and ordering the action necessary to correct it;

(5) Order discontinuance of illegal use of land, buildings or structures; order removal of illegal buildings, structures, additions or alterations; order discontinuance of illegal work being done; or take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions;

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(6) Maintain permanent and current records of this chapter, including all maps, amendments, conditional uses and variances;

(7) Maintain a current file of all zoning permits, certificates of occupancy and notices of violation, discontinuance or removal for such time as necessary to insure a continuous compliance with the provisions of this chapter and on request provide information to any person having a proprietary or tenancy interest in any specific property or to any individual seeking an understanding or clarification of the regulations and procedures stipulated in this chapter;

(8) Attend all scheduled Planning Commission and Board of Adjustment and Appeals meetings and hearings in an ex-officio capacity. The responsibility for drafting recommendations, resolutions and decisions for the public record may be assigned to the Zoning Administrator at the option of the chairperson of the Commission or Board;

(9) A certified copy of every ordinance, resolution, conditional use permit, map or regulation adopted or variance granted shall be filed with the County Recorder.
(Prior Code, § 22.29)

§ 154.176 VARIANCES.

(A) *Application.* Any person affected by any order or decision of the Zoning Administrator or Building Official, or desiring a variance from the terms of this chapter, may apply therefore and have the matter heard by the Board of Adjustment and Appeals.

(B) *Conditions for variances.*

(1) A variance from the literal provisions of this chapter may be granted in instances where the strict enforcement of such provisions would cause undue hardship because of circumstances unique to the individual property under consideration only when it is demonstrated that such action will be in keeping with the spirit and intent of this chapter.

(2) The term **UNDUE HARDSHIP** as used in this section means the following:

(a) The property in question cannot be put to a reasonable use if used under conditions allowed by this chapter;

(b) The plight of the owner of the property in question is due to circumstances unique to his or her property and not created by him or her;

(c) If the variance is granted, it will not alter the essential character of the locality;

(d) The term also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

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(3) Economic considerations alone will not constitute an undue hardship if reasonable use for the property exists under the terms of this chapter.

(4) Variances may be granted for earth sheltered construction as defined by statute when in harmony with this chapter.

(5) A variance may not be granted for any use that is not a permitted or conditional use under this chapter for property in the district where the affected land is located.

(6) A variance may be granted for the temporary use of a one-family dwelling as a two-family dwelling.

(C) *Procedure.*

(1) An application for a variance shall be submitted to the Zoning Administrator. The application shall in all instances contain the following information and such other information the Zoning Administrator may consider necessary for the determination by the Board of Adjustment and Appeals:

- (a) The applicant's name and address;
- (b) The legal description of the property for which the variance is requested;
- (c) The area of the property for which the variance is requested;
- (d) The zoning district classification for which the variance is requested;
- (e) A map drawn to scale, showing the applicant's property, including all existing or proposed buildings and uses;
- (f) The reasons the applicant considers that a variance is necessary.

(2) A public hearing shall be set, advertised and conducted by the Board of Adjustment and Appeals in accordance with § 154.179.

(3) Following the conclusion of the public hearing, the Board of Adjustment and Appeals shall transmit to the Council its recommendation in the form of a written report. Such report shall be accompanied by findings of fact specifying the reasons for the recommendation.

(4) After the receipt of the report of the Board of Adjustment and Appeals, the Council shall approve or deny the proposed variance.

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(5) In any situation where a written report specifying recommendation and pertinent findings of fact regarding the proposed amendment has not been transmitted to the Council within 10 days from the date of public hearing, the Council may act on such a proposal without report from the Board of Adjustment and Appeals.

(D) *Filing of variance.* A certified copy of any variance shall be filed with the County Recorder or Registrar of Titles. The variance shall include the legal description of the property. (Prior Code, § 22.29)

§ 154.177 BOARD OF ADJUSTMENT AND APPEALS.

(A) *Board established.* There is established a Board of Adjustment and Appeals which shall consist of the members of the Planning and Zoning Commission.

(B) *Powers of Board.* The Board of Adjustment and Appeals shall have the following powers with respect to this zoning code:

(1) To hear and decide appeals when it is alleged that there is an error in any area, requirement, decision or determination made by the Zoning Administrator or Building Official in the enforcement of this chapter;

(2) To hear requests for variances from the literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration;

(3) To grant such variance only when it is demonstrated that such action will be in keeping with the spirit and intent of this chapter;

(4) The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent properties;

(5) The Board may adopt rules for the conduct of proceedings before it, which may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties;

(6) The Board shall provide for a record of its proceedings which shall include the minutes of its meetings, its findings and the action taken on each matter heard by it, including the final order.

(C) *Decisions of the Board.* Decisions of the Board of Adjustment and Appeals shall be final subject to appeal to the City Council and later judicial review. (Prior Code, § 22.28)

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§ 154.178 AMENDMENTS.

(A) *Authority.* This chapter and the Official Zoning Map may be amended from time to time by the City Council in accordance with the procedures of this section. Amendments to the Official Zoning Map shall be made promptly as set forth in § 154.021.

(B) *Initiation.* Proposed amendments may be initiated by the City Council, the Planning Commission or the owners of the specific property for which the change or amendment is requested.

(C) *Procedure.*

(1) An application for an amendment to the text of this chapter or to the Official Zoning Map shall be submitted to the Zoning Administrator. The application shall, in all instances, contain the following information and such other information the Zoning Administrator considers necessary for the determination of the Planning Commission:

(a) The applicant's name and address;

(b) The precise wording of any proposed amendment to the text of this chapter; and,

(c) In the event that the proposed amendment would change the zoning classification of any property:

1. A legal description and street address of the property proposed to be reclassified;

2. The name and address of the owner or owners of said property;

3. The present zoning classification and existing uses of the property proposed to be reclassified;

4. The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof; and

5. A map, drawn to scale, clearly showing the property proposed to be reclassified and its present zoning classification and existing uses.

(2) A public hearing shall be set, advertised and conducted by the Planning Commission in accordance with § 154.179.

(3) Following the conclusion of the public hearing, the Planning Commission shall transmit to the Council its recommendation in the form of a written report. Such report shall be accompanied by findings of fact specifying the reasons for the recommendation.

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(4) After the receipt of the report of the Planning Commission the Council shall refuse, or, by ordinance duly enacted, adopt the proposed amendment.

(5) The adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of then City Council.

(6) In any situation where a written report specifying recommendation and pertinent findings of fact regarding the proposed amendments have not been transmitted to the Council with 60 days from the date of the public hearing, the Council may act on such a proposal without report from the Planning Commission.

(D) *Filing of amendment.* A certified copy of any amendment shall be filed with the County Recorder or Registrar of Titles. The amendment shall include the legal description of the property.

(Prior Code, § 22.30)

§ 154.179 HEARINGS AND HEARING NOTICES.

(A) *Setting of hearings.* For all requests brought before the Board Adjustment and Appeals or the Planning Commission for which a public hearing is required by this chapter, the body in charge of conducting the hearing shall select a reasonable time and place for the public hearing on the request.

(B) *Notice of hearings.*

(1) Notice of public hearings shall be given not more than 30 days and not less than ten days before the hearing by publication at least once in the official newspaper of the city. Such notice shall include the time and place of the hearing, a description of the contents of the request to be heard and the address or location of the property to which the request applies.

(2) In addition to the general notice to the public, separate notice by letter shall be required for all property owners residing within a distance of 350 feet from the boundaries of the property to which the request applies. Such notices shall be sent by the office of the Zoning Administrator and addresses taken from current city records shall be deemed sufficient for such notification.

(3) A copy of the list of the owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and shall be made a part of the records of the proceedings, provided a bona fide attempt to comply with this requirement has been made.

(4) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days

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before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat. (Ord. 01-04, March 1, 2004)

(5) A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. (Ord. 01-04, March 1, 2004)

(C) *Conduct of hearing.* Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Applicants for variances or conditional uses, and the owner or owners of property in or within 350 feet of property under consideration for a rezoning action by amendment to this chapter, shall have the following rights in addition to any others they possess by law:

(1) The right to have subpoenas issued for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing. Such subpoenas shall be enforceable against persons or for documents which have a substantial evidentiary connection with:

(a) The property to which the request applies;

(b) Facts which would support or negate the legal standards for granting the request;

(c) Facts which would support or negate the conclusion that the property within 350 feet, excluding all public streets, alleys or other public rights-of-way, will be substantially affected by the decision on the request being heard;

(2) The right to cross-examine all witnesses testifying;

(3) The right to present witnesses on their own behalf;

(4) The right to be granted, upon request, one continuance for the purpose of presenting evidence to rebut testimony given by another party.

(D) *Administrative procedures and recordings at public hearings.* The Zoning Administrator shall record all pertinent data and comments at the hearing for later preparation as a written public record. Such written record shall be filed with the City Administrator within a reasonable period of time, but in no event later than 30 days from the date of hearing. The hearing shall be conducted in an orderly manner according to rules of procedure established or accepted by the city. The Chairperson of the responsible body shall conduct the hearing and shall require that all participants furnish name, address and position of interest prior to comment on the subject under consideration during such hearing.

(E) *Continuance; determination.* The responsible body may close the hearing or schedule a date, time and place for a continuance of the same, subject to the requirements of the

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matter under consideration. Following closure, the responsible body shall meet to make the appropriate determination which shall be prepared and filed as a written public record in the office of the City Administrator. In no event shall such determination be made later than ten days from the date of the hearing and written record of the same filed not later than 30 days from the date of the hearing.

(Prior Code, § 22.31)

§ 154.180 PERMITS AND FEES.

(A) A Zoning Permit issued by the City of Mountain Iron shall be secured prior to the construction, addition, or alteration of any building or structure that changes its footprint on the land or its heights; prior to the erection of a fence or sign; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to any excavation. (Am. Ord. 03-09, passed 4-6-2009)

(B) A Building Permit issued by the City of Mountain Iron shall be secured prior to the construction, addition, or alteration of any building or structure except when such construction, addition, or alteration is not subject to the provisions of the State Building Code and when the total value of materials and labor does not exceed \$2,000. (Am. Ord. 03-09, passed 4-6-2009)

(C) *Certificate of occupancy.* It shall be unlawful for any person to occupy any principal building to be used for multi-family residential, commercial or industrial use without obtaining a certificate of occupancy attesting that the building has been constructed in accordance with the building permit. Application for a certificate of occupancy shall be reviewed by the Building Official, who may issue the certificate if the building conforms to all requirements of the approved building permit.

(D) *Application forms.* Applications for a zoning permit, building permit, conditional use, variance, certificate of occupancy or zoning amendment shall contain such information as may be deemed necessary for the proper enforcement of this chapter. Said forms shall be approved by the City Council and shall be available from the City Administrator.

(E) *Permit application fees.* The Council, by ordinance, which need not be codified, shall establish a schedule of fees to defray the administrative cost of processing all applications for required permits, variances and zoning amendments. The fee shall be payable in full at the time the application is filed with the City Administrator and shall not be refundable.

(F) *Permit expiration.* A zoning permit will be valid for a period no longer than six months from the date of issue. The portion of a building permit which covers exterior construction will be valid for a period no longer than six months. If either of these permits expire prior to the completion of the work, a new permit must be applied for.

(Prior Code, § 22.32) (Am. Ord. 03-02, passed 4-1-2002, Am. Ord. 02-08, passed 5-19-2008)
Penalty, see § 10.99

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(G) *State and federal permits.* Prior to granting a permit or processing an application for a variance, the Mountain Iron Planning and Zoning Commission shall determine that the applicant has obtained all necessary state and federal permits. (Am. Ord. 03-09, passed 4-6-2009)

(H) *Certificate Survey.* For any structure to be constructed on a permanent foundation, the applicant shall submit a certificate of survey of the subject property prepared by a registered land surveyor. The original markers identified on the survey must be located and marked on the site. If the original markers cannot be located, the survey must be updated by a registered land surveyor. Properties located within the boundaries of the mineral mining classification are exempt from this requirement. (Am. Ord. 03-09, passed 4-6-2009)

§ 154.181 CONSISTENCY WITH STATE LAW.

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

§ 154.182 APPLICATIONS.

(A) Notwithstanding anything to the contrary in this chapter, all applications for any site plan, conditional use permit, land use permit, variance, or for any other city approval required by this chapter, or to amend this chapter, shall be made in writing on a form provided by the city, if the city has a form, to the Zoning Administrator. The Zoning Administrator is authorized to reject in writing any incomplete application within 15 business days of receipt if the application is incomplete, stating the reasons for its rejection, including what information is missing. This rejection shall be sent by first-class mail to the applicant. Every application shall contain the legal description of the property and a statement of the specific permit or action being sought. Nothing in this section shall be deemed to prevent the city from requesting additional information from the applicant upon which to base a decision.

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

§ 154.183 FINAL ACTIONS.

(A) As required by M.S. § 15.99, as it may be amended from time to time, the following provisions apply to the process for approving or denying applications for a zoning amendment, site plan, conditional use permit, land use permit, variance, or any other application which requires a city approval under this chapter.

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(B) The city shall take final action to approve or deny an application described above within 60 days of receiving an application, unless the application is not accepted under § 154.181. If the city cannot take action to approve or deny the application within 60 days of receiving the application, the Zoning Administrator is authorized before the end of the initial 60-day period, to make a one-time extension of the time for taking action by providing written notice by first-class mail to the applicant of the extension, the reasons for the extension, and its anticipated length, which may not exceed an additional 60 days unless approved by the applicant in writing.

(C) When the final action to approve or disapprove an application is to be taken by the City Council, the Planning Commission or the Board of Appeals and Adjustments, if a vote on a resolution or properly made motion to approve the application fails for any reason, the failure shall constitute a denial of the application, provided that those voting against the motion state on the record the reasons why they oppose the application. A denial of an application because of a failure to approve a resolution or motion does not preclude an immediate submission of a same or similar application.

(D) Except as provided in division (C), if the application is denied by the City Council, Planning Commission or Board of Appeals and Adjustments, whichever body has the authority to make the final decision to approve or deny an application, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial. If this written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the application but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

(E) If the decision to deny the request is made by the Zoning Administrator or other city official, the official must state in writing the reasons for the denial at the time the official denies the request.

§ 154.184 ADDITIONAL EXTENSIONS OF TIME.

M.S. § 15.99, as it may be amended from time to time, provides for certain exceptions to the time limits established in § 154.183. These exceptions are as follows. If the provisions of M.S. § 15.99, as it may be amended from time to time are inconsistent with this section, then the provisions of that statute shall apply.

(A) The time limit in § 154.183 is extended if a state statute, federal law, or court order requires a process to occur before the city acts on the application, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the application within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of the city receiving an application is not considered a process for purposes of this paragraph.

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(B) The time limit in § 154.183 is also extended if: (1) an application submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to the city, requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for action is extended to 60 days after the required prior approval is granted.

§ 154.185 APPLICATIONS FOR SUBDIVISION APPROVAL AND BUILDING PERMITS.

Sections 154.181 through 154.183 shall not apply to any request for action under the city's Subdivision Regulations or under M.S. § 462.358 or Chapter 505, as they may be amended from time to time. Neither shall they apply to a request for a building permit.

§ 154.998 VIOLATIONS.

Every person violates a section, division, subsection or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor as provided in § 10.99 except as otherwise stated in specific provisions hereof. (Prior Code, § 22.33) Penalty, see § 10.99