

# Ironton Zoning Ordinance



**IRONTON ZONING ORDINANCE**  
Table of Contents

Chapter I	Title, Intent and Purpose	
	1.1	Title 1
	1.2	Intent 1
	1.3	Purpose 1
Chapter II	Zoning Districts and District Provisions	
	2.1	Creation of Zoning Districts 2
	2.2	District Boundaries 2
	2.3	Ironton Zoning Map Adopted 2
	2.4	Districts Established 2
	2.5	Shoreland Management Classification 2
	2.6	District Purposes 2
	2.7	Criteria for Land Use Categories 3
Chapter III	Land Use Chart	
	3.1	Land Use Chart 5
Chapter IV	Lot Size, Setbacks and Area Standards	
	4.1	Lot Size Setbacks and Area Standards Chart 9
	4.2	Interpretation of Standards 9
Chapter V	General Provisions	
	5.1	Application of This Ordinance 12
	5.2	Environmental Documents and Concurrent Permits 12
	5.3	Existing Lots 13
	5.4	Non-Conforming Uses 13
	5.5	Building Standards 14
Chapter VI	Residential Performance Standards	
	6.1	Guest Dwelling 15
	6.2	Contiguous Non-Conforming Lots 15
	6.3	Historic Structures 15
	6.4	Temporary Structures 15
	6.5	Stairways, Lifts and Landings (Lake Access Structures) 15
	6.6	Manufactured Housing Developments 16
	6.7	Residential Planned Unit Development 17
Chapter VII	Commercial Performance Standards	
	7.1	Visual Standards – Screening and Landscaping 20
	7.2	Exterior Building Finishes – Commercial Structures 20
	7.3	Additions, Alterations and Accessory Buildings 21
	7.4	Rooftop Equipment 21
	7.5	Historic Structures 21
	7.6	Temporary Commercial Structures 21
	7.7	Developer’s Agreements/Bonds 21
	7.8	Bed and Breakfast Inns 22
	7.9	Additions on to Residential Structures 23

Chapter VIII	General Performance Standards	
	8.1	Signs 24
	8.2	Nuisance Standards 27
	8.3	Fences 29
	8.4	Storage 30
	8.5	Sanitation Standards 30
	8.6	Pets 31
	8.7	Parking and Loading 31
	8.8	Drainage 32
	8.9	Grading and Road Construction in Shoreland Area 33
Chapter IX	Special Provisions	
	9.1	R-1M Single and Two Family Residential 36
	9.2	Shoreland Planned Unit Development 36
	9.3	Campgrounds 43
	9.4	Extractive Use Standards - Mining 44
	9.5	Home Occupation 46
	9.6	Auto Salvage Yards 46
	9.7	Land Fills – Solid Waste 46
Chapter X	Communications Towers	
	10.1	Purpose and Intent 47
	10.2	Definitions 47
	10.3	Zoning Districts 48
	10.4	Performance Standards 48
	10.5	Obsolete or Unused Towers 49
Chapter XI	Adult Oriented Businesses	
	11.1	Findings 50
	11.2	Definitions 50
	11.3	Performance Standards for Adult Oriented Businesses 52
Chapter XII	Rules and Definitions	
	12.1	Rules of Interpretation 53
	12.2	Definitions 53
Chapter XIII	Administration	
	13.1	Zoning Administrator 68
	13.2	Building Official 68
	13.3	Planning Commission 69
	13.4	City Council 70
	13.5	Conditional Use Permits 70
	13.6	Interim Uses 74
	13.7	Variances 75
	13.8	Zoning Permits/Building Permits 76
	13.9	Fees 77
Chapter XIV	Enforcement	
	14.1	Violations and Penalties 78
	14.2	Liability of City Officials 78
	14.3	Equitable Relief 78

Chapter XV	Separability, Supremacy, Effectuation, Amendments	
	15.1 Separability	79
	15.2 Supremacy	79
	15.3 Effectuation	79
	15.4 Amendment	79
	15.5 Notices	80

# **CHAPTER I**

## **TITLE, INTENT AND PURPOSE**

### **1.1 TITLE**

This ordinance shall be referred to and cited as the Ironton Zoning and Subdivision Ordinance, except herein where it shall be cited as the "Ordinance."

### **1.2 INTENT**

This Ordinance is established pursuant to the authority granted by the Minnesota statutes, in particular the Municipal Planning Act, Minnesota Statutes 1983 Sections 462, 505, 515, and 515A, the Municipal Shoreland Act, Minnesota Statutes 1979 Section 379, and Policies in Minnesota Statutes, Section 105, 115, and 116, and any Amendments thereto. This Ordinance hereby repeals Ironton Ordinance No. 903 and previous amendments thereto.

### **1.3 PURPOSE**

This Ordinance is adopted for the purpose of:

- A. Protecting the public health, safety, comfort, convenience and general welfare; and
- B. Inaugurating and effectuating the goals of the comprehensive plan; and
- C. Promoting order in development by dividing the area of the City into zones and regulating therein the location, construction, reconstruction, alteration and use of structures and land; and
- D. Promoting order in development by providing for the subdivision of lands in accordance with the zoning districts of the City; and
- E. Conserving the natural and scenic beauty and attractiveness of the City for the health and welfare of the public; and
- F. Providing for adequate light, air and access to property by regulating the use of land and buildings and the bulk of structures in relation to surrounding properties; and
- G. Providing for the administration of the provisions of the Ordinance and defining the authority and duties of the Administrator, Planning Commission and City Council under this Ordinance; and
- H. Providing standards and criteria for the subdivision and zoning of shorelands to preserve and enhance the quality of surface and ground waters, conserve the economic and natural environment values of shorelands, and provide for the wise use of water and related land resources of the City.

## **CHAPTER II**

### **ZONING DISTRICTS, USE AND DIMENSIONAL CHARTS**

#### **2.1 CREATION OF ZONING DISTRICTS**

The City of Ironton is hereby divided into Zoning Districts as shown on the official Zoning District Map, which may be subsequently amended by the procedures outlined in Chapter XV.

#### **2.2 DISTRICT BOUNDARIES**

The boundaries are generally on the center of streets, on lot lines, on shorelines and/or, on the center of streams or rivers. Every effort will be made to avoid dividing a single parcel of land into two (2) or more zoning districts.

#### **2.3 IRONTON ZONING MAP ADOPTED**

The Official Ironton Zoning Map is hereby adopted as part of the Ironton Zoning Ordinance. Any changes to the districts or district boundaries shall be done as an ordinance amendment pursuant to the provisions of Chapter XII (Administration) of this Ordinance.

#### **2.4 DISTRICTS ESTABLISHED**

The following districts are hereby established:

Single and Two Family Residential District	R-1
Single and Two Family Residential District in Mineland	R-1M
Multiple Family Residential District	R-2
General Business District	B-1
General Industrial District	I-1
Open Space Development/Extraction District	O
Shoreland Overlay District	

#### **2.5 SHORELAND MANAGEMENT CLASSIFICATIONS**

The lakes and streams in the City have been classified as follows:

<u>Recreational Development (RD)</u>	
Blackhoof Lake	18-117
<u>General Development (GD)</u>	
June Lake	18-116

2.6 DISTRICT PURPOSES

A. Single and Two Family Residential District R-1

It is the intent of this district to permit the development of single-family and two-family dwellings in the community; to provide for reasonable standards for such development; to avoid overcrowding; and to prohibit the use of land which would be incompatible with or detrimental to the essential character of such district.

B. Single and Two Family Residential District in Mineland R-1M

It is the intent of this District to permit the development of single-family and two-family dwellings in the community in platted or formerly platted areas adjacent to the current urban area; to provide for reasonable standards for such development; to avoid overcrowding; and to prohibit the use of land, which would be incompatible with or detrimental to the essential residential character of such District.

The City recognizes the unique situation for property owners near the former mine operations and intends to allow reasonable and sustainable development of said properties.

C. Multi-family Residential District R-2

It is the intent of this district to provide for multiple-family dwelling unit structures and directly related complementary uses.

D. General Business District B-1

It is the intent of this district to provide for the establishment of commercial and service activities, which draw from and serve customers from the entire community of region.

E. General Industrial District I-1

It is the intent of this district to provide for and allow a wide range of industrial, warehousing and bulk commercial services.

F. Open Space Development/Extraction District O

It is the intent of this district to provide for and allow a wide range of open space activities as well as mineral extraction activities.

2.7 CRITERIA FOR LAND USE CATEGORIES:

The following criteria shall be used in establishing the Ironton Zoning Map and any future amendments to the Map:

- A. Preservation of natural sensitive areas.
- B. Present ownership and development.
- C. Shoreland soil types and their engineering capabilities.
- D. Topographic characteristic.
- E. Vegetative cover.
- F. In-water physical characteristics.
- G. Recreational use of surface water.
- H. Road and service center accessibility.
- I. Socio economic development needs of the public.
- J. Availability of public sewer.
- K. The necessity to preserve and restore certain areas having significant historical or ecological value.
- L. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
- M. Alternatives available for desired land use.
- N. Prevention of spot zoning.
- O. Conformance to the City of Ironton Land Use Plan.



## **CHAPTER III**

### **LAND USE CHART**

#### **3.1 LAND USE CHART**

The following Land Use Chart is adopted.

Permitted Uses and Conditional Uses as listed in each zone are not intended to be all-inclusive; uses similar in nature to those listed shall also be considered. An amendment to the chart may be initiated by the Ironton City Council, Planning Commission or a resident / property owner within the City.

- P – SHALL DESIGNATE PERMITTED USES WITHIN THE ZONING DISTRICT
- PA – SHALL DESIGNATE PERMITTED ACCESSORY USE WITHIN THE ZONING DISTRICT
- C – SHALL DESIGNATE CONDITIONAL USES WITHIN THE ZONING DISTRICT
- I – SHALL DESIGNATE INTERIM USES WITHIN THE ZONING DISTRICT
- BLANK – SHALL DESIGNATE PROHIBITED USES WITHIN THE ZONING DISTRICT

## City of Ironton Land Use Classification Chart

P – Denotes Permitted Use	Single and Two Family Residential	R-1
PA – Denotes Permitted Accessory Use	Single and Two Family Residential in Mineland	R-1M
C – Denotes Conditionally Permitted Use	Multi-Family Residential	R-2
I – Denotes Interim Use	General Business	B-1
Blank – Denotes Prohibited Use	General Industrial	I-1
	Open Space Development / Extraction	O

Use	District					
	R-1	R-1M	R-2	B-1	I-1	O
Accessory Use	P		P	PA		
Accessory Structure (See Also Performance Standards)	P	P	P			
Adult Use Business (See Performance Standards in Chapter XI)					I	
Agricultural Use	P					
Animal Husbandry	C					
Assembly Plants / Light Industrial					P	
Auto Salvage					C	
Banks				P		
Bed and Breakfast	I		I			
Boarding and Rooming Houses			P			
Business Services (See Definition)				P		
Camping, Recreational				C		C
Churches / Places of Worship	C		C	C		
City Governmental, Park, Public Safety, Public Utility, and related and accessory City uses and structures	P	P	P	P	P	P
Clinic, Hospital			C	P		
Clothing Services (See Definition)				P		
Commercial Uses or Structures				PA		
Commutation Towers				C	C	
Contractor Equipment and Storage Yards					P	
Corrosive Acid Manufacturing or Bulk Storage Thereof					C	
Distillation of Bone, Coal, Tar, Petroleum, Refuse, Grain or Wood					C	
Dwelling, Single Family and Two Family	P	P	P	C		
Dwelling, Multiple Family / Apartment			P	C		

<b>Use</b>	<b>District</b>					
	<b>R-1</b>	<b>R-1M</b>	<b>R-2</b>	<b>B-1</b>	<b>I-1</b>	<b>O</b>
Earth Shelter as defined in MN Statues 116 H.02 Subdivision 3	P	P	P			
Dwelling Unit as Part of the Principle Structure to be Occupied by the Owner or Employee				P	P	
Equipment Services (See Definition)				P		
Explosive Manufacturing or Storage					C	
Farm Implement Sales and Service				C		
Fertilizer Manufacturing, Compose or Storage					C	
Food Services (See Definition)				P		
Garages, Private	PA	P	PA	P		
Garages, Public				P	P	
Gas Regulator Station					P	
Grading / Dirt Removing, Non-Shoreland	P	P	P	P	P	P
Grading / Dirt Removing, Shoreland	C	C	C	C	C	C
Grain Elevators and Storage					C	
Group Homes	P	P	P			
Home Occupations	PA	PA	PA			
Highway Regulated Uses (See Definition)				C		
Industrial Parks and Storage					C	
Lumber Yard, Building Material and Storage					P	
Machine Shops					P	
Manufactured Homes that are HUD certified and conform with MN Statues 327.13 to 327.35	P	P	P			
Manufacturing of Cement, Concrete, Lime, Gypsum or Plaster					C	
Mineral Extraction						I
Manufactured Housing Developments	C		C			
Motels / Hotels				P		
Motor Fuel Stations				C		
Motor Vehicle Sales				C		
Nursing Home / Rest Home	C		P	C		
Off-Street Loading and Parking			PA	PA	PA	
Offices				P	PA	

Open Space	P		P			P
<b>Use</b>	<b>District</b>					
	<b>R-1</b>	<b>R-1M</b>	<b>R-2</b>	<b>B-1</b>	<b>I-1</b>	<b>O</b>
Outside Sales and Service Lots				C		
Outside Storage					PA	
Personal Services (See Definition)				P		
Petroleum or Asphalt Refining, Manufacturing or Storage					I	
Planned Unit Developments, Commercial	C	C	C	C	C	
Planned Unit Developments, Mixed Use				C	C	
Planned Unit Developments, Residential	C	P	C			
Postal Stations				P		
Professional Buildings				P		
Public Parks and Playgrounds / Open Spaces	P	P	P			P
Public Transportation Terminals				P		
Recreational Services (See Definition)				P		
Retail and wholesale sales of goods manufactured on-site					I	
Research and Testing Laboratories				P	P	
Signs and Billboards				PA		PA
Signs for Home Occupations	PA	PA	PA			
Smelting or Refining of metals from Ore					C	
Tool Houses and Similar Buildings	PA	PA	PA			
Tree Nurseries / Landscaping					P	P
Utilities	P	P	P			
Warehousing					P	

## **CHAPTER IV**

### **LOT SIZE, SETBACKS AND AREA STANDARDS**

#### **4.1 LOT SIZE, SETBACKS AND AREA STANDARDS CHART**

The following Lot Size, Setbacks and Area Standards Chart is adopted:

#### **4.2 INTERPRETATION OF STANDARDS**

- A. The provisions of this Section shall be held to be the minimum requirements; and
- B. Where the provisions of this Ordinance are either more restrictive or less restrictive than applicable provisions for other laws, ordinances, statutes, resolutions, covenants or regulations of any kind, the more restrictive shall prevail, except where authorized by the more restrictive agency.

**City of Ironton**  
**Lot Requirements Chart**

<b>DISTRICT</b>	<b>R-1</b>	<b>R-1M</b>	<b>R-2</b>	<b>B-1</b>	<b>I-1</b>	<b>O</b>
<b>LOT SIZE</b>		-	-	-	-	-
Single-Family Dwelling						
Existing Lots	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.			
Newly Platted Lots	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.			
Two-Family Dwelling						
Existing Lots	8,750 sq. ft.	8,750 sq. ft.	8,750 sq. ft.			
Newly Platted Lots	12,000 sq. ft.	12,000 sq. ft.	12,000 sq. ft.			
Multi-Family Dwelling						
One Bedroom			1,800 sq. ft. per unit			
Two or More Bedrooms			2,000 sq. ft. per unit			
Other				As Necessary	As Necessary	
<b>LOT WIDTH</b>						
Single-Family Dwelling						
Existing Lots	40 ft.	40 ft.	40 ft.			
Newly Platted Lots	70 ft.	70 ft.	70 ft.			
Two-Family Dwelling						
Existing Lots	70 ft.	70 ft.	70 ft.			
Newly Platted Lots	100 ft.	100 ft.	100 ft.			
Multi-Family Dwelling						
Existing Lots			70 ft.			
Newly Platted Lots			100 ft.			
Lot that abuts a former mine pit, lake or pond		100 ft. min. at waters edge				
Highway Related Uses				80 ft.		
Other				None	None	
<b>BUILDING HEIGHT</b>						
Highway Related Uses	35 ft.	35 ft.	35 ft.	40 ft.	40 ft.	
All Other				35 ft.		
<b>IMPERVIOUS COVERAGE</b>						
Existing Lots	40%	40 %	50 %			
Newly Platted Lots	30%	30%	50 %			
Highway Related Uses				50%	50%	

**City of Ironton  
Lot Requirements Chart**

<b>DISTRICT</b>	<b>R-1</b>	<b>R-1M</b>	<b>R-2</b>	<b>B-1</b>	<b>I-1</b>	<b>O</b>
<b>STRUCTURE SETBACK</b>						
<b><u>FRONT YARD</u></b>						
Single-Family	20 ft.	20 ft.	20 ft.			
Two-Family	20 ft.	20 ft.	20 ft.			
Multi-Family			20 ft.			
Highway Related Uses				25 ft.		
Other				None	25 ft.	
<b><u>SIDE YARD</u></b>						
Single-Family	8 ft. each side	8 ft. each side	8 ft. each side			
Two-Family	8 ft. each side	8 ft. each side	8 ft. each side			
Multi-Family			8 ft. each side			
Highway Related Uses				10 ft. each side		
Other					10 ft. each side	
<b><u>REAR YARD</u></b>						
Single-Family*	5 ft.	5 ft.	5 ft.			
Two-Family*	5 ft.	5 ft.	5 ft.			
Multi-Family*	5 ft.	5 ft.	5 ft.			
Highway Related Uses				5 ft.		
Other					20 ft.	
<b><u>FROM STEEP SLOPE OR BLUFF</u></b>		30 ft.				

\* a set back of 15 feet is required if a garage door or access directly faces the alley.

## **CHAPTER V**

### **GENERAL PROVISIONS**

#### **5.1 APPLICATION OF THIS ORDINANCE**

- A. The provisions of this Ordinance shall be held to be the minimum requirements for maintaining the public health, safety, morals and welfare.
- B. Except as this Ordinance specifically provides, with provision for variance granted thereto, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance and without a permit issued, therefore, when required by this Ordinance.
- C. The provisions of this Ordinance shall apply to all land area within the corporate limits of the City of Ironton.
- D. Where certain lands are annexed into the corporate limits of the City of Ironton, they shall be zoned Single and Two-Family Residential R-1. Within sixty (60) days of the annexation approval by the appropriate state authority, the Ironton Planning Commission shall initiate a planning study to determine the appropriate zoning classification for the newly annexed property.

#### **5.2 ENVIRONMENTAL DOCUMENTS AND CONCURRENT PERMITS**

- A. It shall be the property owner's responsibility to secure necessary concurrent permits such as State Waste Disposal Permits, Health Department Permits, U.S. Army Corps of Engineers Permits, and Department of Natural Resources Public Water Permits and Department of Natural Resources Water Appropriation Permits. Approval by the City does not imply approval by other agencies.
- B. The proposer of any project exceeding the limits defined in the Environmental Quality Board's rules and regulations for environmental review program shall submit a draft Environmental Assessment Worksheet for the City to review with other pertinent data.
- C. The applicant for a permit for any action for which environmental documents are required either by State law or rules or by the Planning Commission shall supply in the manner prescribed by this chapter all unprivileged data or information reasonably requested by the City that the applicant has in their possession or to which they have reasonable access.
- D. The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by State law or rules or by the Planning Commission shall pay all costs of preparation and review of the EAW and/or EIS, if required.



- E. Upon request of and in a manner prescribed by the City, the applicant shall prepare a draft EAW and supply all information necessary to complete that document. If an EIS is required, the applicant shall provide all information, plans, and data pertaining to the proposal required by the City to prepare the EIS.
- F. No permit for an action for which an EAW or EIS is required shall be issued until all costs of the preparation and review are paid and the environmental review process has been completed.
- G. The administration of an EAW or EIS shall be in accordance with the rules and regulations of the Minnesota Environmental Quality Board. The Zoning Administrator or designee shall be responsible to the City Council and have the authority to administer the environmental document. The Planning Commission shall review each document and make recommendations to the City Council whose decisions shall be final.

### 5.3 EXISTING LOTS

- A. A lot, pre-existing, for which a deed, recorded contract for deed or other legal conveyance or plat has been recorded prior to the effective date of the City of Ironton Zoning Ordinance (the Minnesota State Shoreland Management Standards) shall be deemed a buildable lot without requiring a variance provided it has at least eighty percent (80%) of the required lot area and lot width at the ordinary high water mark and building line and all the setbacks can be maintained, and sanitary provisions for well and sewage disposal can be maintained.
- B. If two or more pre-existing contiguous lots, in total, could not be divided into two or more lots meeting eighty percent (80%) if the requirements of this Zoning Ordinance for a new lot, and are held by the same owner on the effective date of this Ordinance, they shall be considered one lot for building and zoning purposes. The lots shall be tied together with a restriction filed with the County Recorder permanently requiring that the lots be considered as one lot only. This shall be required before a zoning permit is issued thereon.
- C. Any lot, pre-existing as described in this chapter, which has been assessed for sanitary sewer or water service and for which a separate service stub was provided by the City, shall be considered a buildable lot regardless of lot width.

### 5.4 NON-CONFORMING USES

Any structure or use existing or Planned Unit Development approved before the effective date of this Ordinance and which does not conform to the provisions of the Ordinance may be continued subject to the following:

- A. No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance, with considerations for variances thereto, and consideration for previously approved Planned Unit Developments. If a non-conforming use of land or a structure is discontinued for one year or more, any future use of the land or structure shall conform to this Ordinance.

- B. If a non-conforming structure is damaged by any cause, to an extent exceeding eighty percent (80%) of the structure's market value immediately prior to destruction, then the structure or its replacement shall thereafter conform to this Ordinance.
- C. Normal maintenance of a building or other structure containing or relating to a lawful non-conforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- D. Sewage treatment systems shall meet the requirements of MPCA Rules Chapter 7080 except that a system shall be considered conforming if it was constructed pursuant to Rule WPC 40 or 7080 prior to amendment and is functioning properly, as determined by a compliance inspection by a person licensed by the State of Minnesota. However, any cesspool, leaching pit, seepage pit or other deep disposal method or a system less too close to water table shall be considered non-conforming. Sewage treatment systems shall be upgraded to a conforming status according to the following schedule:
  - 1. Upon issuance of any permit, conditional use permit or variance for any improvement on, or use of, the property; or
  - 2. Upon determination that leakage to the surface or lake or into an adjacent well is occurring, or determination that the system is discharging into the ground at an elevation less than three (3) feet above the highest known water table.
  - 3. Upon determination by Zoning Administrator that system is inadequate for a change in occupation or use within the structure.
- E. Upon availability of a City sewer system to the property, connection to that system shall be made regardless of the conformance or non-conformance of the individual system, in accordance with the policies of the City as set forth in the Sewer Use Ordinance and the Sewer Rate Ordinance.
- F. Owners of non-conforming sewage systems, which in the opinion of the zoning administrator, cannot be upgraded to conforming status using a drain field or mound system and which cannot be combined into a conforming private cluster system shall be required to use a holding tank. The holding tank shall include a water meter. The owner shall provide all pumping records and a copy of a current contract with a certified pumper annually to the Zoning Administrator.

5-5 BUILDING STANDARDS

- A. All structures and appurtenances shall be constructed in accordance with the Minnesota State Building Code.
- B. Plumbing facilities installed after the date of this Ordinance in all structures shall conform to the State Plumbing Code. All structures shall conform to the State Electrical Code. The certification by the State Electrical Inspector shall be visible in the electric box.

- C. 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 MPCA. Private wells must be located, constructed, maintained and sealed in accordance with or in a more thorough manner than the water well construction code of the Minnesota Health Department.

All wells must be constructed, maintained and/or sealed by a well driller licensed by the State of Minnesota. A log for each well shall be filed with the City by the well driller along with a site plan and the results of a water test.

## **CHAPTER VI**

### **RESIDENTIAL PERFORMANCE STANDARDS**

#### **6.1 GUEST DWELLING**

A guest dwelling may be allowed providing the structure meets the standards outlined in this section:

- A. The guest dwelling shall be located along with the principal structure on a lot meeting the lot size requirements outlined in the Lot Size, Setbacks and Area Standards Chart in Chapter IV.
- B. The guest dwelling shall not cover more than seven hundred (700) square feet of land and must not exceed fifteen (15) feet in height.
- C. The guest dwelling shall be located to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setback, color or other methods acceptable to the City assuming summer leaf-on conditions.

#### **6.2 CONTIGUOUS NON-CONFORMING LOTS**

Lots joined together for zoning permit applications, shall not be divided in the future, but shall be tied together with restriction filed with the County Recorder permanently requiring that the lots be considered as one lot only.

#### **6.3 HISTORIC STRUCTURES**

A significant historical site, as defined by the State of Minnesota may not be modified, altered or built upon in a manner, which affects the historical value or nature of the site and without consultation and approval, by the Minnesota Historical Society.

#### **6.4 TEMPORARY STRUCTURES**

Temporary structures for residential uses, including the use of construction trailers or campers, shall be allowed for a period not to exceed ninety (90) days. A permit shall be required and issued by the Zoning Administrator with conditions to ensure the health safety and welfare of the public. Minimum facilities for temporary structures shall include provisions for wastewater, water supply and solid waste. All recreational vehicles or other camping units used as temporary structures shall be completely removed from the property after use during the allowed time limit. No miscellaneous or storage structures shall be constructed or placed without permit. All permits for temporary structures, other than construction trailers, shall expire on October 15, in the year issued to ensure removal prior to snowfall.

## 6.5 STAIRWAYS, LIFTS AND LANDINGS (Lake Access Structures)

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:

- A. Stairways and lifts must not exceed four feet in overall width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties and planned unit developments.
- B. Landings for stairways and lifts on residential lots must not exceed twenty four (24) square feet in area. Landings larger than twenty four (24) square feet may be used for commercial properties, public open-space recreational properties and planned unit developments.
- C. Canopies or roofs are not allowed on stairways, lifts or landings.
- D. 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.
- E. 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.
- F. 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 sub-items A-E above are complied with.

## 6.6 MANUFACTURED HOUSING DEVELOPMENTS

Development of this type creates a heavy demand and reliance on municipal type facilities including roads, sewer, water and fire protection. In addition, these developments are often the densest in a community requiring heavier streets, more public recreational facilities and nearby shopping.

This usage is generally considered compatible with the R-2 (Multi-family Residential) zoning district only, and requires public sewer. A Minnesota Department of Health permit shall be required. All new manufactured housing developments shall be processed as a Planned Unit Development. See Chapter IX (Special Provisions) for procedural requirements.

The following chart shall serve as minimum standards. The City may further restrict said developments in order to comply with the criteria for the issuance of a conditional use permit.

Minimum parcel size for a new use	5 acres
Minimum parcel width for a new use	400 feet
Minimum lot size for each dwelling unit	6,000 square feet
Minimum Lot Width	50 feet
Maximum Impervious Coverage (lot)	50%
Front Yard Setback (Interior)	25 feet
Rear Yard Setback (Interior)	20 feet
Side Yard Setback (Interior)	10 feet
Exterior Lot Line Setback	30 feet
Minimum land in common ownership or not used in lots.	50%
Minimum road width	40 foot Corridor 24 foot Surface
Minimum on-lot parking	2 vehicles

- A. A twenty (20) foot landscaping buffer shall be required on the perimeter of the subject property. A minimum of two (2) trees shall be planted on each individual site within the development.
- B. All manufactured housing developments shall require public sewer and water service.
- C. A permanent paved parking space shall be provided at each site. The City as parts of the conditional use permit review process may require additional parking sites.
- D. A permanent storm safety shelter shall be provided for the residents of the park. The shelter shall be sized adequately and shall meet the requirements of the Uniform Building Code and State Statutes.
- E. Individual winterized sewer, water, and electrical connections for each site shall be provided.

6.7 RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)

- A. Objectives. It is the policy of the City to promote progressive development of land and construction by encouraging Urban Residential Planned Unit Development to achieve:
  - 1. A maximum choice of living environments by allowing a variety of housing building types, including single and multi-family developments and permitting an increased density per acre and a reduction in lot dimensions, yard, building set-backs and area requirements;

2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of mixed residential uses;
  3. A development pattern, which preserves and utilizes natural features, trees and other vegetation, and prevents the disruption of natural drainage patterns;
  4. A more efficient use of land and a resulting substantial savings through shorter utilities and streets;
  5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.
- B. General Procedure. Planned Unit Developments (PUD) shall be proposed and approved in accordance with this section. The burden of justification for any planned unit residential development project shall be the exclusive responsibility of a developer. The developer shall be responsible for providing the information and data required in this section. In addition, as the planned unit development is an innovative approach, the developer shall provide any other data or information as may be required by the Planning Commission or the City Council. It is the intent of this Ordinance to require subdivision of property according to the Ironton Subdivision Ordinance simultaneous with the application of the PUD.
- C. Pre-Application Meeting. Before submitting a formal application for a PUD, the developer shall meet with the Planning Commission. The purpose of this meeting is to discuss early informally, the purpose and effect of this Ordinance and the criteria and standards contained in this Ordinance and to familiarize the developer with the City's Comprehensive Plan, including the land use plan, the major thoroughfare plan, and the parks and open space plan, the subdivision regulations and the drainage, sewer, and water systems of the City.
- D. Application. An application for approval of a preliminary plan for a proposed PUD shall be filed with the Zoning Administrator. A filing fee as established from time to time by City Council resolutions shall accompany the Application. The application with accompanying statements shall be submitted in the number of copies that are indicated on the Application, and shall include:
1. A vicinity map at a scale approved by the Planning Commission showing property lines, streets, easements, existing zoning, and such other items as the Planning Commission may require to show the relationship of the proposed PUD to the comprehensive plan of the City, to existing schools and other community facilities and services, and to the surrounding area;
  2. A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed where applicable, the system of collector streets and off-street parking system;

3. A written statement explaining in detail and with supporting documentation the specifics of the development plan as it relates to the type of dwelling units proposed and the resultant population, the extent and nature of non-residential development and the resulting traffic generated and parking demands created;
4. The proposed schedule for the development site;
5. A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUDs.

E. Minimum Design Standards.

1. Minimum Lot Size and PUD Density. The minimum lot size requirements outlined in this ordinance do not apply to a PUD except that the minimum lot size shall serve as a guideline to determine the maximum dwelling unit density of the total development. The maximum dwelling unit density shall be determined by the area remaining after wetlands and steep slopes have been removed from the PUD area. The maximum dwelling unit density shall be one unit per ten thousand (10,000) square feet of useable land area for single family and duplex, tri-plex or quad-plex housing styles. The individual lot sizes may be smaller than this, but the density may not exceed one unit per ten thousand (10,000) square feet.
2. Setback Requirements. Notwithstanding other provisions within this Ordinance, every individual residential lot must be a minimum of fifteen (15) feet from the perimeter of the PUD. Structures must be a minimum of fifty (50) feet from the perimeter of the site.
3. Access. Every PUD must have adequate direct access to a publicly maintained road. Internal roads within the PUD shall be public roads unless due to slopes or other features, the City Engineer recommends that a private road network is preferred. Connections to adjoining parcels of land should be included in the development plans.
4. Utilities. Each PUD within the R-1, R-1M or R-2 districts must be connected to municipal sewer.
5. Open Space. A minimum of fifty percent (50%) of the PUD must remain in permanent open space, consistent with the following minimum standards.
  - a. Home-owner's Association.
  - b. Non-profit organization whose purpose is to use the land for open space purposes as provided in any permanent easements and development restrictions.
  - c. City, County or other governmental agency.



## **CHAPTER VII**

### **COMMERCIAL PERFORMANCE STANDARDS**

#### **7.1 VISUAL STANDARDS – SCREENING AND LANDSCAPING**

- A. No use shall create, maintain or continue any structure or use that has a strong negative visual impact or violates the standards of the City.
- B. Where any business or industry is adjacent to property zoned residential, or any use cannot meet the visual standards of the City, screening shall be provided by the business or offending use.
- C. Screening required shall be in addition to normal landscaping and planting, and consist of a visual obstruction completely containing the activity on the commercial or offending use.
- D. Screening may consist of dense evergreen plantings eight (8) feet or more in height, wood walls with one hundred percent (100%) obstruction, a building wall consisting of aesthetically pleasing materials (with no signage) or similar structures. All structural elements shall meet required setbacks.
- E. In all commercial and industrial districts adjacent to residential districts and not divided by streets there shall be provided along the property line a twenty (20) foot wide planting strip composed of grass, trees and shrubs. A screening fence may be utilized when approved by the City Council. Such fence shall not exceed eight (8) feet in height or be less than six (6) feet in height and shall screen up to eighty percent (80%) per square yard of area.
- F. In all zoning districts the lot area remaining after providing for parking, driveways, loading, sidewalks or other requirements shall be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques.

#### **7.2 EXTERIOR BUILDING FINISHES – COMMERCIAL STRUCTURES**

All exterior wall finishes on any principal or accessory building shall be one of, or a combination of, the following:

- A. Face brick.
- B. Natural or cut stone, wood or log.
- C. Specially designed, precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture (excluding raw concrete block painted or unpainted).
- D. Glass, prefinished metal, fiberglass or similar materials or other galvanized metal or corrugated materials.

- E. Stucco and other cementation coating applied in a manner so as to create a harmonious design in conjunction with the materials.
- F. Factory fabricated and finished metal-framed panel construction if the panel materials are any of those noted above or similar as determined by the City Council.
- G. The City Council may approve other new materials that are equal to or better than the materials listed in this Section.
- H. All structures shall be compatible with neighboring structures in mass, color and exterior materials.

### 7.3 ADDITIONS, ALTERATIONS AND ACCESSORY BUILDINGS

All subsequent additions, exterior alterations and accessory buildings constructed after the erection of an original building or buildings shall be of the same materials or better than those used in the original building and shall be designed in a manner conforming to the original architectural concept and general appearance. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion program.

### 7.4 ROOFTOP EQUIPMENT

Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose.

### 7.5 HISTORIC STRUCTURES

A significant historical site, as defined by the State of Minnesota may not be modified, altered or built upon in a manner which affects the historical value or nature of the site and without consultation and approval by the Minnesota Historical Society.

### 7.6 TEMPORARY COMMERCIAL STRUCTURES

Temporary construction trailer structures shall be allowed for a period not to exceed ninety (90) days. A permit shall be required and issued by the Zoning Administrator with conditions to ensure the health safety and welfare of the public. Minimum facilities for temporary structures shall include provisions for wastewater, water supply. All temporary structures shall be removed from the property after use during the allowed time limit. Commercial / Retail oriented temporary structures within the B-1 (General Business) zoning district are allowed by permit issued by the Zoning Administrator with appropriate conditions to ensure the health safety and welfare of the public. All permits for temporary structures, other than construction trailers, shall expire on October 15, in the year issued to ensure removal prior to snowfall.

7.7 DEVELOPERS AGREEMENT/ BONDS

- A. As part of a conditional use permit review process, the City Council may require the developer of any commercial property to enter into a developers agreement. Said agreement shall be in a format that is acceptable to the City Attorney and shall be recorded. The terms of the developers agreement may include the conditions approved by the City Council as part of the conditional use permit review, bonding requirements and other items deemed necessary by the City.
- B. Prior to construction of any public utility or roadway, the developer shall post a bond or other security satisfactory to the City Attorney, in the amount of one hundred twenty five percent (125%) of the cost of offsite and onsite sewer, water, storm sewer, other utilities and street improvements required for the project as estimated by the Engineer.
- C. The City shall hold said bond as security to assure the timely and satisfactory installation of the improvements listed in (1) above and the timely completion of any building and shall use the proceeds, if the developer defaults on his/her plans for any reason, to remove or complete the construction. The City may, at its discretion, allow construction and approval of the utilities and street after preliminary approval, but before final approval of a plat or condominium plat in lieu of the bond.
- D. Such financial guarantees as may be required may be reduced in increments as construction and/or installation is completed to the satisfaction of the Engineer and City Council.

7.8 BED AND BREAKFAST INNS

- A. INTENT - Because of changes in the character of the community and tourism trends across the region, the City of Ironton recognizes the need to allow bed and breakfast developments within the City within certain zoning districts and with performance standards that protect the integrity of the surrounding zoning district and the health, safety and welfare of the general public.
- B. Performance Standards

The following minimum standards shall apply to all bed and breakfast uses within the City of Ironton:

- 1. The home occupation shall be conducted entirely from the principal structure on the property and not in an attached or detached garage or accessory structures.
- 2. The home occupation shall not require any internal or external alteration of the principal structure that would not otherwise be customary for the residential nature of the property.
- 3. No persons other than persons residing on the premises shall be allowed as employees of the home occupation.

4. No mechanical equipment shall be employed that is not typically found in the home.
5. No exterior signage shall be allowed in excess of two (2) square feet of nameplate signage. The sign shall be limited to the name, address and phone number of the facility. The sign shall be placed on the principal structure and shall not be lighted.
6. There shall be no exterior display of equipment, materials or goods associated with the home occupation.
7. No more than twenty percent (20%) of the living space of the dwelling shall be used for the home occupation.
8. Vehicles associated with the home occupation with advertising on them shall be limited to two (2) cars, trucks or vans, which shall not be parked within the public right-of-way.
9. No retail sales shall be allowed on the property.

7.9 ADDITIONS ON TO RESIDENTIAL STRUCTURES.

In all commercial zoning districts, an addition may be placed to the side and rear of an existing non-conforming residential structure, provided the structures and any additions meet all setback requirements.

## CHAPTER VIII

### GENERAL PERFORMANCE STANDARDS

#### 8.1 SIGNS

- A. Purpose/General Provisions. The purpose of this provision is to protect the general welfare and safety of the City by providing a policy of aesthetic development to prevent signs from intruding on the rural and residential character of the City; to provide adequate signs for direction and property identification purposes; and to provide adequate signs for commercial uses.
- B. Conformity with Regulations. All signs hereafter erected or maintained, except official public traffic, and street signs, shall conform to the provisions of this Ordinance. It shall be unlawful for any person, firm or corporation, to erect, alter, repair, move, equip or maintain any sign or sign structure or permit the same to be done in violation of any provisions of this Ordinance.
- C. Permit Required: Before any sign is constructed or erected, application for a permit must be presented to the City Clerk.
- D. Deterioration. Any sign or sign structure which may be, or may hereafter become, rotted, unsafe or unsightly shall be repaired or removed by the lessee, licensee, owner or agent of the owner of the property upon which the sign is located after receipt of written notice from the City Council. Structural repair of a non-conforming sign shall not be permitted.
- E. Prohibited Signs

The following signs shall not be allowed within the City of Ironton:

1. Signs not authorized by a local unit of government and located within the public right-of-way or easements, or on public sidewalks; or
2. Flashing or rotating signs resembling emergency vehicles; or
3. A sign that obstructs any door, fire escape, stairway or opening intended to provide air or access to any building or structure.
4. Illuminated flashing signs or devices giving off an intermittent or rotating beam consisting of a collection or concentration of rays of light, except those giving public service information such as, without limiting the generality of the foregoing time, date temperature or news; or
5. A sign on private property placed without the permission of the property owner; or
6. A sign that is declared to be unsafe, in disrepair or abandoned.

- F. Removal of Illegal Signs. Upon notification by the City Council that a sign is illegal, unsafe or unsightly, the owner of said sign or owner of property there under shall remove same. The City Council may order the removal of any sign erected or maintained in violation of this Ordinance. Ten (10) days notice in writing shall be given to the owners of such sign, or the owner of the building, structure or premises on which sign is located, to either bring the sign into compliance with this Ordinance, or cause its removal. Upon failure to remove the sign or to comply with this notice, the City Council shall remove the sign immediately and without notice, if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the City shall be assessed to the owner of the property on which such sign is located or may be collected in appropriate legal proceedings. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located
- G. Political signs may be permitted in compliance with state statutes
- H. Signs in Residential Districts.

No sign shall be erected in the Residential (R-1, R-1M or R-2) zoning districts, except:

1. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated by external source of light.
2. A sign pertaining to the lease or sale of the building or property provided such does not exceed six (6) square feet in surface area. Such signs shall not be illuminated.
3. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed six (6) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated.
4. One on-site identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated. The maximum height shall not exceed eight (8) feet above the ground.
5. Off-site directional, unilluminated signs not exceeding six (6) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office of commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.
6. Public street identification signs, traffic signs and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

7. Home occupations and may have one freestanding or wall sign per dwelling, which may not exceed six (6) square feet and which may not be more than six (6) feet above the ground.
8. Multiple family dwellings may have one wall or freestanding sign per building, which may not exceed twelve (12) square feet in area and which may not be more than eight (8) feet above the ground.
9. An Area Identification Sign denoting the name of a development, PUD, subdivision or building may be allowed by conditional use permit.

I. Signs in Commercial or Industrial Districts:

On-site signs may be erected in Commercial or Industrial Districts (B-1, or I) subject to the following provisions:

1. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage or ten percent (10%) of the building frontage area, or seventy-five (75) square feet in area, whichever is greater. Signs may be illuminated.
2. No advertising sign may be erected within twenty (20) feet of an adjoining (Open Development/Extraction), or residential Zoning District.
3. No advertising or business sign shall project higher than six (6) feet above the height of the building, or twenty (20) feet above the average grade at the building line, whichever is greater.
4. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition and shall be repainted, removed, or painted out when, in the opinion of the Council, they are not so maintained.
5. Where a sign is illuminated, the source of light shall not be visible from any public right-of-way, and such light shall be directed away from any residential district. Sign lighting shall not be directed toward a public right-of-way or any residential district.
6. No business signs shall project more than five (5) feet perpendicular to the building. Conditional Use Permit may permit time, temperature, and other public information signs.
7. An Area Identification Sign denoting the name of a development, PUD, subdivision or building may be allowed by conditional use permit.

J. Off-site signs

1. General Policy. The City of Ironton recognizes that the size of off-site advertising signage can have a detrimental impact on surrounding land uses. It is the policy of the City to restrict the size, location and height of off-site advertising signs so as to minimize those impacts.

2. District Prohibition. Off-site advertising signs shall not be allowed in the R-1, R-1M, R-2, B-1 or O zoning districts within the City.
3. Size and Height Restrictions. Newly constructed off-site advertising signs shall not exceed thirty-two (32) square feet in area, nor shall they be greater than fifteen (15) feet in height.

K. Non-conforming Signs.

1. No non-conforming sign erected before the passage of this Ordinance shall be rebuilt, altered or removed to a new location without being brought into compliance with the requirements of this Ordinance.
2. Business signs on the premises of a nonconforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination.

L. Temporary Signs

1. Size and Location. Temporary signs shall be allowed in the B-1 and I zoning districts. Such signs shall be limited to six (6) feet in height and forty (40) square feet in sign area per face. Temporary signs shall be placed no closer than 10 feet from any property line and may be illuminated. No flashing or spinning lights shall be allowed.
2. Duration. Temporary signs shall be displayed no more than three separate times in a twelve (12) month period for a total of no more than one hundred twenty (120) days during any calendar year.

## 8.2 NUISANCE STANDARDS

### Performance Standards:

Compliance required. Every use permitted by this Ordinance shall be so established and maintained as to comply with the provisions of this section. The Council may require the complaining party to provide such tests or investigations by an independent testing organization satisfactory to the Council as are necessary to show non-compliance with these standards. The complaining party shall pay for the entire cost of such investigations and tests unless the results disclose non-compliance with these standards; in that event, the entire cost shall be borne by the owner or operator of the non-complying use. This provision does not preclude the City from making any investigations and tests it finds appropriate to determine compliance with these standards.

- A. Noise. Noise shall be measured on any property line of the tract on which the source of the noise is located. Noise shall be so muffled as not to become objectionable due to intermittence, beat, frequency, shrillness, or intensity.



At the property line of the parcel on which the source of noise is located, the sound pressure level of noise is located, the sound pressure level of noise radiated shall not exceed the following limits measured for ten percent (10%) (L10) and fifty percent (50%) (L50) of a one hour period, using a sound level meter having the characteristics as specified in the latest standards S1.4-1983 of the American National Standards Institute, specification for sound level meters, and using procedures approved by the Pollution Control Agency.

In addition, no persons shall make or cause to be made, any impulsive and loudly audible noise that injures or endangers the comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

**Decibel Level Chart**

	Adjoining property zone – Time			
	Day		Night	
	7:00 a.m.-10:00 p.m.	10:00 p.m.-7:00 a.m.	L-10	L-50
Residential	60	55	50	45
Commercial/Industrial	65	60	65	60

Sound pressure levels are in decibels.

- B. Odor. No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.
- C. Glare. Direct or reflected glare, such as from floodlights, spotlights or high temperature process, and as differentiated from general illumination, shall not be visible beyond the sit of origin at any property line. Any lights used for exterior illumination shall be directed away from adjacent properties. Lights used for externally lighting of signs shall be shielded from any roadway.
- D. Vibration. Vibration at any property line shall not be discernible to the human sense of feeling for three (3) minutes or more duration in any one-hour period. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (1/10) gravities or result in any combination of amplitudes and frequencies beyond the “safe” range of Table VII, United States Bureau of Mines Bulletin No. 442, “Seismic Effects of Quarry Blasting” on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.
- E. Smoke. Smoke shall be measured at the point of emission by using the Ringelmann Smoke Chart published by the United States Bureau of Mines in Circular No. 7718. Smoke not darker or more opaque than No. 3 on the chart may be emitted for a period not longer than four (4) minutes in any thirty (30) minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an equivalent opacity. Open burning shall require a DNR burning permit.

- F. Dust. Solid or liquid particles shall not be emitted at any point in concentrations exceeding three-tenths (3/10) grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty percent (50%) excess air.
- G. Fumes and Gases. Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in Table 1 (Industrial Hygiene Standards – Maximum Allowable Concentration for eight (8) hour, five (5) days per week), Table 3 (Odor Thresholds), Table 4 (Concentrations of Substances Causing Pain in the Eyes), and Table 5 (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Chapter 5, “Physiological Effects” that contains such tables, in the “Air Pollution Abatement Manual” published by the Manufacturing Chemists’ Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible plans for the elimination of fumes or gases before the issuance of a Zoning Permit.
- H. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved.
- I. Wastes. All solid waste materials, debris or refuse shall be kept within a completely enclosed building or properly contained in a closed container designed for such purposes. All liquid wastes containing any organic or toxic matter shall be either discharged into a public sanitary sewer with permission of the City or treated in a manner prescribed by the health officer.
- I. Air Pollution. Every activity shall conform to State regulations relating to air quality standards and air pollution control.
- J. Erosion. No activity shall be carried on in such a way that water, soil or any objectionable substance is carried on to any adjacent property.
- K. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point beyond the property line containing the activity. Adverse effects shall be measured by FCC standards.
- L. Abandoned buildings. No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorate and become a safety hazard. The Zoning Administrator shall determine if a structure is a safety hazard and if so, shall order its removal. Such removal shall take place within thirty (30) days of the order. If the owner fails to remove the structure, the City may do so and assess the cost against the property through the County taxation method.

### 8.3 FENCES

- A. No fence, wall, structure, coniferous trees or obstruction, other than chain link fences With openings of one and five eighths (1 5/8) inches to two (2) inches not exceeding forty eight (48) inches in height, shall be erected, established or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of such lot lines. An object within this area not exceeding thirty (30) inches in height as measured from the centerline elevation of the street shall not be considered as an obstruction to vision. This Section does not apply to the "B-1" District.
- B. No fence shall exceed eight (8) feet in height and in the case of grade separation, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade.
- C. In all commercial and industrial districts adjacent to residential districts and not divided By streets there shall be provided along the property line a twenty (20) foot wide planting strip composed of grass, trees and shrubs. A screening fence may be utilized when approved by the City Council. Such fence shall not exceed eight (8) feet in height or be less than six (6) feet in height and shall screen up to eighty percent (80%) per square yard of area.
- D. Fences not exceeding sixty (60) inches in height may be constructed no closer than one (1) foot from the property line.
- E. Fences not meeting the requirements of this section shall require a Conditional Use Permit.
- F. Fences shall not be erected where they create a visual safety hazard.
- G. No fence shall be erected within 10 feet of the shoulder of any public road or within one (1) foot of the right-of-way whichever distance from the road surface is greater.
- H. No barbed wire fencing shall be used within the City of Ironton.

### 8.4 STORAGE

- A. Exterior Storage. All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: usable laundry equipment (clothes lines), Recreational equipment and vehicles and construction and landscaping materials currently being used on the premises
- B. Abandoned Vehicle Storage. Abandoned vehicles shall not be stored outside in any district. Existing abandoned vehicles shall be removed within thirty (30) days after the adoption of this Ordinance.

## 8.5 SANITATION STANDARDS

### A. Solid Waste

All solid waste shall be disposed of in accordance with the standards of Crow Wing County. Brush piles, yard wastes and compost piles containing no put risible materials are permitted provided they do not become a fire hazard or visual nuisance.

### B. Domestic Sewage

1. All structures shall discharge into a municipal sanitary system if available.
2. All other structures shall have an individual or common sewage treatment system meeting the requirements the Minnesota Department of Health well code setbacks and the Minnesota Pollution Control Agency Standards, "Individual Sewage Treatment Systems Standards – Chapter 7080" or as amended by the MPCA. Further, all systems shall be constructed by installers certified by the State of Minnesota to install onsite disposal systems. All applications for an on-site treatment system shall be submitted in accordance wit the MPCA regulations.
3. All non-conforming systems shall be brought into conformance as provided in this Ordinance.
4. Sewage tanks being abandoned shall be thoroughly pumped and filled with soil.
5. Maintenance of individual or common sewage treatment systems shall be in accordance with Minnesota Pollution Control Rules, Chapter 7080, as amended by the MPCA.
6. The City may authorize a time extension for the installation of a conforming sanitary sewer system to allow for winter weather delays, provided no imminent health threat is posed to the general public.

### C. Water Supply

All structures shall be connected to a municipal water supply if made available. All water systems shall meet the requirements of the Minnesota Department of Health Standards for water systems.

1. Compliance with State Regulations. All domestic and agricultural wells shall conform to the Minnesota Department of Health standards for wells. A licensed well driller shall drill all domestic wells. The driller shall submit a log to the City.
2. Well Abandonment. All wells being abandoned shall be sealed according to Minnesota Department of Health Standards and reported to the Minnesota Department of Health and the City.

3. Shallow Wells. Shallow wells such as sand points not exceeding fifty (50) feet in depth or penetrating at least ten (10) feet of impervious material, may be used only for non-domestic, non-potable water usage such as for lawn watering or for livestock. The well shall be sealed with concrete around the casing and shall not be located in a pit, basement, or any location subject to flooding.

## 8.6 PETS

- A. Pets. Pets shall be defined as household pets; normal domestic pets; and other animals, birds, and reptiles normally kept caged. Animals normally considered “wild” shall require a Conditional Use Permit and appropriate state permits. Pets shall be properly cared for, shall not be allowed to create problems for neighbors or the City, or become a nuisance, and shall have sanitary conditions maintained. Up to two (2) adult dogs and two (2) adult cats are allowed per household.

## 8.7 PARKING AND LOADING

On-site parking or garage space shall be provided in all Zoning Districts, with the exception of the B-1 Zoning District, with adequate drive access to eliminate the need to back onto collector streets or highways. Onsite parking spaces shall not be used for storage.

- A. Parking Stall Size. Any parking stall shall be a minimum of twenty (20) feet long and nine (9) feet wide except in commercial districts where nine and one-half (9.5) feet wide is required and as required by other state or federal regulations. A minimum of one hundred eighty (180) square feet in parking stall area shall be required.
- B. Parking shall be provided for principal structures at the following ratios unless modified by a Conditional Use Permit:

## Parking Stall Chart

<b>Use</b>	<b>Required Stalls</b>
Single-Family Dwelling	1 space per unit
Two-Family Dwelling	1 space per unit
Townhouse	1 space per unit
Boarding / Rooming House	1 space for each person for whom accommodations are provided
Multiple Family Dwellings	1 ½ spaces per unit
Elderly Housing, Senior Housing	1 space per unit
Motels, Motor Hotels	1 space per rental unit + 1 additional space per 10 units + 1 space for each employee on largest shift
Church, Theater, Auditorium or Places of Assembly	1 space for each 4 seats based on capacity
Sanitarium, Convalescent Home, Rest Home, Nursing Home or Day Nurseries	4 spaces + 1 for each 3 beds for which accommodations are offered
Office Buildings and Professional Offices	1 space per 250 sq. ft. of floor area
Retail Store and Service Station Establishments	1 space per 200 sq. ft. of floor area
Restaurants, Cafes, Private Clubs serving food	1 space per 60 sq. ft. of gross floor area
Bars, Taverns and Nightclubs	1 space per 60 sq. ft. of gross floor area
Manufacturing, Fabricating, or Processing	1 space per 250 sq. ft. floor area + 1 per company owned truck
Warehouse and storage over 15,000 sq. ft.	1 space per 1,000 sq. ft. floor area + 1 per company owned truck
Boats and Marine Sales and Repair	1 space per 500 sq. ft. floor area
Handling of Bulk Goods	1 space per 500 sq. ft. floor area

C. Shared Parking Facilities. The Planning Commission may recommend modifications to the above chart if it is determined that a shared parking facility is in the best interest of the district in which the proposed use is located. A shared parking facility shall be allowed by conditional use permit.

### D. Location / Design of Parking Facilities

1. Commercial onsite parking shall not be closer than five (5) feet from a lot line.
2. All parking shall be paved or provided with all weather surface and be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a public water.
3. More than five (5) parking stalls contiguously located and any commercial or Business/Industrial parking adjacent to residential shall be landscaped according to a plan approved by the City Council.

E. Loading – General

1. All required loading berths shall be off street and shall be located on the same lot or adjoining lot as the principal use served. Loading shall not occupy front yard space. Berths shall not be used for storage in excess of eight (8) hours.
2. Loading Berth Size and Surface. Loading berths shall be no less than fifteen (15) feet in width and fifty (50) feet long with fourteen (14) feet of vertical clearance. Berths shall have all weather surfaces and be well drained.

8.8 DRAINAGE

- A. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain storm water 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 storm water 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.
- D. Storm water management facilities used for residential (over three (3) lots) and all commercial developments must be designed by a registered engineer in the State of Minnesota.
- E. All storm water management facilities, necessary to manage increased run-off, shall be designed to accommodate the five (5) year frequency storm for residential development and a ten (10) year frequency storm for commercial development. The facilities shall be designed to control the increased run-off at pre development rates or less.
- F. All development shall provide for the continuance of natural drainage ways, and structures shall be so constructed as to be one (1) foot above the water level in the drainage way created by a storm of a one hundred (100) year return period or a one percent (1%) chance of occurrence.
- G. The use of natural or man-made storm water storage areas is encouraged. These areas should be vegetated and designed to naturally lower after a storm.

## 8.9 GRADING AND ROAD CONSTRUCTION IN SHORELAND AREA

- A. Grading or filling in shoreland areas including ice ridges, wetlands or in the bed of public waters, or any alterations of the natural topography requires a permit or conditional use permit; and when the slope of the land is toward a public water or watercourse involving the movement of more than 10 cubic yards of material in a bluff or shore impact zone or more than fifty (50) cubic yards of material anywhere else in the City, this activity must be authorized by Conditional Use Permit. Excavation for permitted structures, drives, sewer systems and parking areas is allowable as part of the structure or sewer permit. The following conditions shall apply:
1. The smallest amount of bare ground is exposed for as short a time as feasible.
  2. Four (4) inches of topsoil is replaced and temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.
  3. Methods to prevent erosion and trap sediment are employed.
  4. Fill is stabilized to acceptable engineering standards and must not create an unstable slope.
- B. The placement of up to two (2) inches of topsoil used for the purposes of establishing turf shall be allowed without the need for a permit.
- C. Plans to place fill or excavated material on steep slopes must be reviewed by a qualified professional for continued slope stability and must not create finished slopes of thirty percent (30%) or greater.
- C. Fill or excavated material must not be placed in bluff impact zones.
- D. Fill placed in public water below the ordinary high water line requires a DNR Waters Permit and a Corps of Engineers Permit.
- E. Excavation in the bed of public waters requires a DNR Waters Permit and/or a Corps of Engineers Permit. Maintenance of any excavation shall be the responsibility of the permittee.
- F. Only clean fill consisting of sand, gravel, or rock will be allowed where contact with water is anticipated. Mineral soil may be allowed elsewhere.
- G. Alterations to topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
- H. 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 (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- I. The owner of any shoreline is responsible for the maintenance of, and erosion prevention of that shoreline.



- J. **Wetland Alteration Criteria.** Before authorizing any grading or filling activity in any type 2, 3, 4, 5, 6, 7, or 8 wetland, local officials must consider how extensively the proposed activity would affect the following functional qualities of the wetland:
1. Sediment and pollutant trapping and retention;
  2. Storage of surface runoff to prevent or reduce flood damage;
  3. Fish and wildlife habitat;
  4. Recreational use;
  5. Shoreline or bank stabilization; or
  6. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals or others; and
  7. 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.
- K. Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public waters.
- L. Roads, driveways, and parking areas shall meet structure setbacks and shall 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 shall be designed to minimize adverse impacts.
- M. 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 subpart are met.
- N. **Steep Slopes.** The potential for possible soil erosion impacts and development visibility form public waters must be evaluated before issuing a permit involving ground disturbance on steep slopes. Conditions must be attached to the permit to prevent erosion and to preserve maximum existing vegetation.
- O. No filling of areas inundated by the one hundred (100) year storm along drainage ways shall be allowed, except by Conditional Use Permit.
- P. All parking areas, heavy use areas, storage areas, and impervious areas shall be designed to allow entrapment of silts and nutrients prior to discharge to a natural drainage way or public water. New constructed storm water outfalls to public waters must provide filtering or settling of suspended solids and skimming of surface debris before discharge.

- Q. Erosion control measures shall be provided where necessary in the opinion of the Engineer. All areas disturbed during any grading shall be covered with topsoil and seeded. Areas subject to concentrated runoff or steeper than three to one (3:1) shall be sodded or seeded and protected with appropriate mulch cover as directed by the Engineer.

## **CHAPTER IX**

### **SPECIAL PROVISIONS**

#### **9.1 R-1M SINGLE AND TWO FAMILY RESIDENTIAL**

A. In addition to the requirements for a conditional use permit application as outlined in 13.6 of this ordinance, an applicant for a permit shall submit the following information to the City prior to the review of the Conditional Use Permit:

1. Documentation that the property corners of the subject property have been marked by a licensed surveyor.
2. Proof that the building site and area surrounding the proposed and future building sites are stable and capable of sustaining the proposed development. Documentation from a Licensed Professional Engineer shall be evidence that an appropriate building condition exists on the subject property. The City shall incorporate the recommendations of the Engineer into the approval conditions, as needed. Reports shall include deep soil borings to determine soil stability.
3. The City shall also require the execution of a Hold Harmless agreement or other document as approved by the City Attorney, that protects the City from legal action resulting from changes in soils condition or erosion or caving on the subject property.

#### **B. Lot, Yard, Area and Height Requirements**

1. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed twenty (20) feet.
2. Building Height. Residential Structures hereafter created shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height. Church spires, water towers and chimneys shall be exempt from these requirements.
3. Maximum Coverage. Lot coverage shall not exceed thirty percent (30%) on newly platted lots. Lot coverage shall not exceed forty percent (40%) on existing platted lots.
4. Lots not serviced by municipal water and sewer shall conform in size with applicable MPCA and Department of Health requirements.
5. Where a parcel of land is adjacent or abuts a former mine pit lake or pond, the parcel shall have a minimum width of one hundred (100) feet at the water edge.
6. Where a steep slope or bluff exist on the subject property, the minimum setback shall be thirty (30) feet from the crest of the bluff or steep slope or greater is required by the Geotechnical Exploration or by the conditional use permit.

7. In all cases, the property owner shall provide written proof of permanent access to a publicly maintained road.

## 9.2 SHORELAND PLANNED UNIT DEVELOPMENT

Planned Unit Development requires the assistance of professional planning and usually involves the approval of multiple agencies or other governmental bodies. Where circumstances are favorable, PUDs provide more latitude in land use than normal development to allow for planning, clustering facilities, consolidating green spaces, and internal recreation amenities. While densities higher than normal are often allowed, they must be justified by the preservation and consolidation of green space, increased screening and landscaping, increased recreational amenities, and other significant improvements and design features beneficial to the residents, neighbors, and the general public.

- A. Mixed use PUD where appropriate, may be allowed, provided the use not normally allowed in the zoning district does not exceed forty five percent (45%) of the building floor area.

### B. Review Criteria

The City shall require a conditional use permit for all Planned Unit Developments. In addition to the criteria for the granting of a conditional use permit in Chapter 11, the City must consider the following criteria in the examination of a parcel for suitability as a PUD:

1. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments; and
2. Physical and aesthetic impacts of increased density; and
3. Suitability of lands for the planned unit development approach; and
4. Level of current development in the area; and
5. Amounts and types of ownership of undeveloped lands; and
6. Size of the parcel and amount, if any, of shoreline. A resort in existence prior to June 16, 1982, but under-sized, shall also be considered for subdivision, but shall not be allowed to increase units.

### C. General Requirements

1. New multifamily buildings, four units or larger, shall be designed by an architect, shall be compatible in color, character and mass with surrounding land use.
2. New multifamily building shall have one-hour fire rated party floors and party walls.

3. All Planned Unit Developments shall be connected to municipal sewer and water. If it is determined that the extension of municipal sewer and water is not feasible, the City Council may allow the use of a conforming central sewage disposal system in compliance with MPCA 7080 regulations.
4. A winterized central water system shall be required.
5. Centralized waterfront facilities are required that do not use more than twenty percent (20%) of the shoreline. The number of slips allowed in a multiple dock system will be limited to one slip per unit allowed in the first tier.
6. The PUD parcel must directly abut on a public road maintained by the City.
7. Covenants and incorporating documents providing for a homeowner's association shall be submitted to the City prior to final approval of the PUD.
8. Vegetation removal shall be limited to select cutting as defined in this ordinance.
9. Internal private access roads on common property shall be allowed, if a permanent private maintenance agreement is approved by the City.
10. Maintenance of all commonly owned facilities shall be by the homeowner's association.
11. Storage areas for recreational equipment (boats, personal watercraft, etc.) shall be required.
12. Subdivision may be allowed by plat or condominium plat.
13. Recreation facilities shall be provided as required by the City Council.
14. Screening and landscaping shall be provided as required by the City Council. At a minimum, any PUD within the shorelands district shall provide screening and plantings to reduce visibility of any structures from the public waters.

D. Density Evaluation and Minimum Requirements for Shoreland PUDs.

Shoreland dwelling unit or site density evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards.

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:

Table 9.2 A Shoreland Tier Dimensions

	Unsewered (Feet)	Sewered (Feet)
General development lakes – first tier	200	200
General development lakes – second and additional tiers	267	267
Recreational Development lakes	267	267
Natural Environment Lakes	400	320

The suitable area within each tier is next calculated by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters. This area is 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.

3. Shoreland residential PUD density evaluation steps. To determine the allowable density of residential dwelling units or sites, the suitable area within each tier is divided by the single family residential lot size standard for lakes (see Zoning District requirements), which shall then be used to yield a base density of dwelling units or sites for each tier.

The City may allow some dwelling unit or site density increases for residential planned unit developments above the densities determined in the evaluation if all dimensional standards for the zoning district are met or exceeded. Maximum density increases may only be allowed if all design criteria in Subsection E below are also met or exceeded. Increases in dwelling unit or site densities must not exceed the maximums in the following table. Allowable densities may be transferred from any tier to any other tier farther from the shoreland water body or water course, but must not be transferred to any other tier closer.

3. Commercial planned unit development density evaluation. The density evaluation steps and design criteria for commercial planned unit developments are outlined below.

Step ONE. Identify the developable land areas within each tier as outlined in subsection 1 above.

Step TWO. 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.

Step THREE. Select the appropriate floor area ratio from the following table:

Table 9.2 B Commercial Planned Unit Development  
 Floor Area Ratios\*  
 Public Water Classes

Average Unit floor area (sq. ft.)	Sewered General development lakes; first tier on unsewered general development lakes	Second and Additional tiers on unsewered general development lakes; recreational development lakes	Natural environment lakes and streams
200	.040	.020	.010
300	.048	.024	.012
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 two hundred (200) square feet. For areas greater than shown, use the ratios listed for fifteen hundred (1,500) square feet. For recreational campsites, use the ratios listed at 1,000 square feet.

Step FOUR. Multiply the useable area within each tier by the floor area ratio to yield total floor area for each tier that is allowed to be used for dwelling units or sites.

Step FIVE. Divide the area computed in STEP 3 by the average determined in STEP 2. This yields a base number of dwelling units or sites for each tier. Use one thousand (1000) square feet for an R.V.

4. Determine whether the project is eligible for any additional density increases. To be eligible, projects must meet some of the design standards in the chart below and exceed one or more of them. The City shall decide how much, if any, increase in density to allow for each tier, but must not exceed the maximum allowable density increases listed in the following table:

Shoreland Density Increases are determined by the following Performance Standards Chart:

<b>Performance Standard</b>	<b>Base Density Increased by up to</b>
Increase Setback by 25% or Increase Setback by 50 % or No Structures in Tier 1	15% or 25% or 35%
Impervious Coverage Reduced to 20% Project-wide or Impervious Coverage Reduced to 15% Project –wide	10%  or 25%
Remove All Non-Conforming Structures	10%
Approved Shoreland Restoration Plan	10%

Notes:

1. Density Increases are maximums and are not guaranteed, unless approved by the City Council.
2. Density Increases in the above table are cumulative.
3. Density Increases in Tier 1 cannot exceed fifty percent (50%).
4. Allowable densities may be transferred from any tier to any other tier farther from the shoreland, lake or river, but must not be transferred to any other tier closer. No density increases will be allowed unless the setbacks for all structures are increased by at least twenty five percent (25%) from the OHW.

**E. PUD Design Criteria.**

1. All residential planned unit developments must contain at least three (3) dwelling units or sites.
2. Green Space Requirements. In lieu of traditional platting and lot size requirements, Green Space must be provided, including at least fifty percent (50%) of the total project area. The area must be owned by the Homeowners Association and provide adequate recreational opportunities for residents of the PUD. Green space shall not include dwelling units or sites, road right-of-way, or land covered by road surfaces, parking areas, or structures or developed areas. Green space must include areas with physical characteristics unsuitable for development in its natural state, and areas containing significant historic sites or unplatted cemeteries. Green space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public. Green space must not include commercial facilities or uses, but may contain water-oriented facilities and private golf courses, trails, tennis facilities, and similar uses. Green space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.



3. The shore impact zone, based on normal structure setbacks, must be included as Green space. At least fifty percent (50%) of the shore impact zone area of existing developments or at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state.
4. The appearance of green space and other common areas, including areas of unique topography, vegetation, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means. The instruments must include all of the following protections:
  - a. Commercial uses shall be prohibited; and
  - b. Vegetation and topographic alterations other than maintenance shall be prohibited; and
  - c. Construction of additional buildings or storage of vehicles and other materials shall be prohibited; and
  - d. Uncontrolled beaching shall be prohibited; and
  - e. 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.
    4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
    5. Changes in the association documents must receive prior approval by the City.
5. Centralization and Design of Facilities and Structures. 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 the Minnesota Pollution Control Agency. 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.

6. Dwelling Unit Locations. 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 for developments with density increases.
  7. 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. Launching ramp facilities, including a small dock for loading and unloading boats and equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
  8. 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 City Council, assuming summer, leaf-on conditions.
  9. An erosion control and storm water management plan shall be required for each Planned Unit Development. The PUD must be designed, and its 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 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.
  10. All storm water plans shall be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff, including a minimum of ten (10) year storm event. Impervious surface coverage within any tier must not exceed twenty five percent (25%) of the tier area.
  11. Administration and any maintenance requirements: Prior to final approval of any planned unit developments, the City will require adequate provisions developed for preservation and maintenance in perpetuity of green spaces and for the continued existence and functioning of the development as a community.
- F. Shoreland Resort Conversions (Including the re-use of existing dwelling units or sites). The City may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:
1. Proposed conversions shall be initially evaluated using the same procedures and standards presented in this part for 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, green space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
3. Shore and bluff impact zone deficiencies shall be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
  - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones; and
  - b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
  - c. If existing dwelling units are located in shore or bluff impact zones, conditions shall be attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
  - d. Existing dwelling unit or dwelling site densities that exceed standards in this part may be allowed to continue but shall not be allowed to be increased, either at the time of conversion or in the future. Efforts shall be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.
  - e. The City Council has authority to determine placement of structures within the tiers, setbacks, and extent of necessary mitigating amenities.

#### D. Non-shoreland Planned Unit Developments

Density shall conform to the requirements of the appropriate zoning district, impervious coverage and the Conditional Use Permit. Design criteria shall be the same as above for residential PUDs and for commercial PUDs, and as determined in the Conditional Use Permit. See the specific zoning district for land and use requirements.

### 9.3 CAMPGROUNDS

Certain allowances are made for campsites as a part of resorts, which sites shall have similar or lower standards than provided below. Campsites may be allowed as an accessory use to an approved Commercial Planned Unit Development.

A. Minimum Standards:

Minimum parcel size	5 acres
Minimum parcel width	400 feet
Minimum campsite or lot size	3,000 square feet
Minimum width	40 feet
Maximum density	6 units/acre
Minimum road width	40 foot corridor/24 foot surface two way 30 foot corridor/18 foot surface one way
Minimum on lot parking	1 vehicle with trailer
Additional off-road parking	1 space/10 campsites
Setback, side exterior	50 feet
Setback, side interior	10 feet
Setback, road exterior	75 feet
Setback, rear exterior	50 feet
Maximum building height	25 feet
Maximum floors	2
Campsites and buildings (height above highest known water table)	3 feet

B. Performance Standards:

1. Recreational facilities will be provided as determined by the Conditional Use Permit.
2. Water system capable of providing one hundred (100) gallons per site per day; at a rate of one thousand (1,000) gallons per day at twenty (20) psi residual pressure at the most remote fixture.
3. Conforming onsite sewage collection and disposal system sized for one hundred (100) gallons per campsite per day.
4. Solid waste facilities consisting of one thirty (30) gallon can for each four (4) campsites or one dumpster for each twenty (20) sites, constructed to prevent overturning or cover removal by animals and screened.
5. Fire pit for each campsite.
6. Campsites for recreational vehicles shall have sewer connection, water connection, and electrical connection, or recreational vehicles shall be self-contained and a wastewater disposal station for each one hundred (100) such vehicles at least fifty (50) feet from the nearest campsite shall be provided.
7. Drinking water and restroom facilities with showers shall be provided, all within four hundred (400) feet of every site not served with full facilities.
8. The exterior setback area shall be screened to obstruct fifty percent (50%) vision from the boundary line, assuming leaf-off conditions.

9. Grass or other complete ground cover shall be maintained except in parking areas and roads.
10. Recreation vehicles shall be moved off site or into a designated storage area for at least four (4) months of every year.
11. Evidence shall be provided prior to final approval that the license and approval process of Minnesota Department of Health has been adhered to.
12. The submission requirements for a campground shall be the same as Planned Unit Development/Conditional Use Permit except as determined not applicable by the Zoning Administrator.

#### 9.4 EXTRACTIVE USES STANDARDS - MINING

Mining, either metallic mineral or other extractive use shall be allowed within the City of Ironton by Conditional Use Permit as indicated in Chapter 4 of this Ordinance.

- A. Performance Standards. All excavation and extraction shall conform to the following:
  1. Distance from property lines: No quarrying operation shall be carried on or any stockpile placed closer than fifty (50) feet from any property line, unless a greater distance is specified by the Conditional Use Permit where such is deemed necessary for the protection of adjacent property.
  2. Distance from public right-of-way: In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street, road nor part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way.
  3. Equipment: All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Power drives or power producing machinery not including vehicles shall not be housed or operated less than one thousand (1,000) feet from any residence. A new residence shall take precedence over any existing extractive use operation. No machinery shall be placed or operated within two hundred (200) feet of a lake.
  4. Processing: Crushing, washing and refining or bituminous production or other similar processing may be authorized by the Conditional Use Permit as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use of regulations of the district in which the operation is located. Processing shall only be permitted in the R-1, or I district.

5. Rehabilitation: To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an extraction/mining permit as herein provided shall furnish a performance bond running to the City in an amount of not less than \$1,000,000 and not more than \$10,000,000 as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land and haul road shall, within a reasonable time and to the satisfaction of the City meet the following minimum requirements:
  6. Surface rehabilitation: All excavation shall be made either to a water-producing depth, with a water depth of not less than five (5) feet or the surface of such area which is not permanently submerged shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Four (4) inches of black topsoil shall be placed on all areas, except beaches, that will remain above water level. Haul roads will be restored to their condition prior to the beginning of the extraction operation.
  7. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged underwater as hereinabove provided.
  8. Banks of excavations not backfilled: The banks of all excavations not backfilled shall be sloped not steeper than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
- B. Additional Requirements. In addition to the foregoing the Conditional Use Permit may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operation of such extraction/mining sites as the City may deem necessary for the protection of adjacent properties and the public interest. The City prior to issuance of the permit shall determine the said conditions and the amount of the performance bond.
- C. Haul roads shall be periodically restored to grade, cross-section and surface present at the beginning of operation. Upon completion of operations, or upon order of the City Council, an evaluation shall be made based on the normal anticipate life of the roadway, the early diminuation of that life by summation of equivalent nine (9) ton axle loads and the anticipated cost of upgrading to a newly overlaid roadway. The operator shall pay the City or forfeit their bond in the determined amount.
- D. Application; contents; procedure: An application for such operation shall set forth the following information, in addition to those outlined in the submittal requirements for a conditional use permit:
1. Name of the owner or owners of land from which removal is to be made;
  2. Name of the applicant making request for such a permit;
  3. Name of the person or corporation conducting the actual removal operation;
  4. Location, description and size of the area from which the removal is to be made;

5. Location of processing plant use;
6. Type and amount of resources or materials to be removed;
7. Proposed method of removal and whether or not blasting or other use of explosives will be required;
8. Description of equipment to be used;
9. Method of rehabilitation and reclamation of the borrow area;
10. Identification of haul roads;
11. Type of hauling equipment;
12. Haul road restoration plan;
13. Time frame for material removal and completion of rehabilitation plan;
14. Traffic control plan; and
15. Site Survey completed by a licensed surveyor.

#### 9.5 HOME OCCUPATION

General: Each home occupation established or substantially changed after the effective date of this ordinance shall be considered an interim use. Due to the normal difference in operation, no Interim Use permit shall be transferable to a new owner/renter, thus the permit will not run with the property, nor be transferable to a different property. Each Home Occupation shall be subject to at least the following minimum conditions:

- A. All business activities shall be clearly incidental to the use of the property for residential purposes.
- B. The business owner must be a resident of the dwelling. Additional family member employees are allowed. Up to one non-family member employee is allowed on the premises.
- C. Hours of operation shall be limited by Conditional Use Permit to be compatible with residential use.
- D. On the premises, retail sales will be allowed only of products manufactured on those premises unless specifically authorized by Conditional Use Permit.
- E. All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes, or litter.
- F. Parking adequate for all activities related to the home occupation shall be provided onsite, including parking for a non-family member employee.

- G. Owners or tenants of property that has been used for a home occupation prior to and on the date of this ordinance shall be grand fathered, subject to the terms of this Ordinance for non-conforming uses, except that the above performance standards shall pertain and apply to any home occupation, grand fathered or not. Any such use shall terminate with the current owner unless a conditional use permit is granted under the provisions of this Ordinance.

#### 9.6 AUTO SALVAGE YARDS

Because of the sensitive environmental features of the City of Ironton, including lakes, wetlands, high water tables, auto salvage yards are allowed only within the City by Conditional Use Permit in the I zoning district.

#### 9.7 LAND FILLS – SOLID WASTE

No landfills are allowed in the City of Ironton due to the close proximity to the lakes and streams. Crow Wing County has the responsibility for solid waste disposal. Disposal of trees, stumps, rock, brush, and other natural products by burning and/or burying is allowed on construction sites as determined by the Zoning Permit and a DNR burning permit, if applicable.



## CHAPTER X

### COMMUNICATIONS TOWERS

#### 10.1 PURPOSE AND INTENT.

The purpose of this performance standard is to establish predictable and balanced regulations for the siting, screening, construction and engineering of wireless communication equipment in order to accommodate the growth of wireless communication systems within the City of Ironton, while protecting the public from adverse impacts on the City's aesthetic resources, and protecting the public welfare by:

- A. Providing for the appropriate location and development of communication towers to serve the residents and businesses in the City of Ironton;
- B. Minimizing adverse visual impact of towers through careful design, siting, and vegetation screening;
- C. Avoiding potential damage to adjacent properties from tower failure through engineering and careful siting of the tower structure;
- D. Maximizing the use of any new tower structure to reduce the number of towers needed;
- E. The 1996 Federal Telecommunications Act – Facilities Siting Policy is hereby adopted by reference.

#### 10.2 DEFINITIONS.

**Antenna:** A device used to transmit and/or receive telecommunication, television or radio signals, or electromagnetic waves between terrestrially and/or orbit ally based structures directly or indirectly related to wireless personal communication services and cellular services.

**Wireless Telecommunication Services:** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), special mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to businesses and the general public.

**Personal Wireless Services:** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

**Personal Wireless Services Facility:** Facilities for the provision of personal wireless services.

**Public Utility:** Persons, corporation, or governments supplying gas, electric, transportation, water, sewer, or landline telephone service to the general public. For the purposes of this section of the Ordinance, commercial wireless telecommunication service shall not be considered public utility uses, and are defined separately.

**Tower:** Any pole, spire, or structure or combination thereof, to which an antenna is attached, or which is designated for an antenna, meteorological device or similar apparatus to be attached, and all supporting lines, cables, wires and braces, which is intended to be used for commercial purposes.

### 10.3 ZONING DISTRICTS.

Towers as defined in the performance standard shall not be located on any non-city owned residentially zoned or CBD (Central Business District) zoned parcel of property within the City of Ironton. First preference for sitting towers should be given to the City-owned parcel of property currently containing the municipal sewer ponds.

### 10.4 PERFORMANCE STANDARDS.

All towers erected, constructed or located within the City of Ironton shall comply with the following requirements:

- a. Any proposed tower shall be designed structurally, electrically and in all respect to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower to accept antennas mounted at varying height.
- b. Since the number of opportunities to construct a tower is limited by this Ordinance, the applicant should demonstrate to the satisfaction of the City Council and/or the City Council that opportunities will be made available for co-locating other antennas on the structure.
- c. Area Wide Analysis/Proof of Need. The applicant shall demonstrate by providing a coverage/interference analysis that the location of the antenna as proposed is necessary to meet the frequency use and spacing needs of the wireless telecommunication facilities and to provide adequate coverage and capacity which cannot currently be adequately served.
- d. Proof of Non-Interference. Each application for construction of a wireless telecommunication facility shall include a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with radio, television or public safety telecommunications.
- e. Setbacks. Towers shall meet setbacks of, at a minimum, the tower height from side property lines, rear property lines, road right-of-ways, and other structures. Under no circumstances will towers be allowed within one-quarter (1/4) mile from the OHW (Ordinary High Water Mark) of any lake which is located within the City of Ironton. Towers will also meet a minimum setback of five hundred (500) feet from the nearest property line of a residentially zoned parcel.

- f. **Lighting.** No illumination of towers will be allowed, unless specifically required by another governmental agency. If lights are required, all lights will meet minimum requirements of the subject agency. Lights will be shielded to prevent glare or illumination onto neighboring properties and to prevent distraction of the traveling public.
- g. **Structural, Design, Height, Screening, Access and Building Requirements.**
1. Maximum tower height is limited to one hundred fifty (150) feet above ground upon which antenna is placed.
  2. The use of guyed towers is prohibited.
  3. Towers must be self-supporting without the use of wires, cables, beams or other means. The design should utilize an open framework or monopole configuration. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited.
  4. The base of the tower shall occupy no more than five hundred (500) square feet and no part of the tower shall be larger than the base.
  5. Minimum spacing between tower locations is one (1) mile.
  6. Tower locations should provide the maximum amount of screening possible and shall preserve on-site vegetation to the maximum extent possible for off-site view of the facility.
  7. The base of the tower and any accessory structure shall be landscaped. Accessory structures will be designed to be architecturally compatible with the principal structures on the site. Accessory structures shall meet all of the requirements of the underlying zoning district.
  8. The tower shall be painted light blue or other color that is demonstrated to minimize visibility. No advertising or identification shall be placed on the tower or antenna.
  9. Antennas placed on the tower shall be subject to State and Federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new, more restrictive standards are adopted, the antennas shall be made to comply or the City Council may restrict continued operations. The cost of verification of compliance shall be borne by the owner and operator of the tower.
  10. Towers shall be provided with security fencing to prevent unauthorized entry.
  11. Antennas mounted on roofs and walls of existing structures may be approved as a conditional use permit by the City Council provided the antennas meet the requirements of this Ordinance. Those antennas rigidly attached to the building, and whose base is on the ground, may reduce the required setback by the amount equal to the distance from the point of attachment to the ground.

10.5 OBSOLETE OR UNUSED TOWERS.

The property owners shall remove all obsolete or unused towers and accompanying accessory structures within six (6) months of cessation of use.

## Chapter XI

### ADULT ORIENTED BUSINESSES

#### 11.1 FINDINGS

The City Council finds that:

- a. Sexually-oriented businesses have adverse secondary characteristics particularly when they may be accessible to minors or are located near residential properties or schools, day care centers, libraries and parks, and such businesses can exert a dehumanizing influence on persons attending or using such residential properties or schools, day care centers, libraries and parks.
- b. Sexually-oriented businesses can contribute to an increase in criminal activity in the area in which such businesses are located.
- c. Sexually-oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the character and quality of the residential housing in the area in which such businesses are located, thereby exacerbating the shortage of affordable and habitable housing for City residents.
- d. The concentration of sexually-oriented businesses in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of urban life. A cycle of decay can result from the influx and concentration of sexually-oriented businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating and the result can be devastating -- other businesses move out of the vicinity and residents flee from the area. Declining real estate values, which can result from the concentration of such businesses, erode the City's tax base and contribute to overall urban blight.
- e. The regulation of the location and operation of sexually-oriented businesses is warranted to prevent the adverse secondary effects of such businesses on the City's crime rate, its retail trade, its property values, and in general the quality of the City's neighborhoods, commercial and industrial districts, and urban life.

#### 11.2 DEFINITIONS

Adult Body Painting Studio: An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of Specified Anatomical Areas.

Adult Bookstore: An establishment or business which barter, rents or sells items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film and either alone or when combined with Adult Motion Picture Rental or Sales and Adult Novelty Sales within the same business premises has either ten percent (10%) or more of its stock in trade or ten percent (10%) or more of its floor area containing items which are distinguished or characterized by an emphasis on the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Cabaret:** An establishment or business which provides dancing or other live entertainment, if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Companionship Establishment:** An establishment or business which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

**Adult Conversation/Rap Parlor:** An establishment or business which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

**Adult Health/Sport Club:** An establishment or business which excludes minors by reason of age and is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

**Adult Motel/Hotel:** A motel or hotel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.

**Adult Mini-Motion Picture Theater:** A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein.

**Adult Modeling Studio:** An establishment or business which provides to customers, figure models who engage in Specified Sexual Activities or display Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

**Adult Motion Picture Arcade:** Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

**Adult Motion Picture Rental or Sales:** An establishment or business which barter, rents or sells videotapes or motion picture film and either alone or when combined with Adult Bookstore or Adult Novelty Sales within the same business premises has either ten percent (10%) or more of its stock in trade or ten percent (10%) or more of its floor area containing items which are distinguished or characterized by an emphasis on the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Motion Picture Theater:** A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein.

**Adult Novelty Sales:** An establishment or business which sells devices which stimulate human genitals or devices which are designed for sexual stimulation and either alone or when combined with Adult Bookstore and Adult Motion Picture Rental or Sales has either ten percent (10%) or more of its stock in trade or ten percent (10%) or more of its floor area containing such items and other items which are distinguished or characterized by an emphasis on the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Sauna/Bathhouse/Steam Room:** An establishment or business which excludes minors by reason of age and which provides a steam bath or heat bathing room if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

### 11.3 PERFORMANCE STANDARDS FOR ADULT ORIENTED BUSINESSES

- a. No sexually-oriented business shall be located in the R-1, R-1M, R-2, B-1 or O Zoning Districts.
- b. No sexually-oriented business shall be located closer than five hundred (500) feet from any other sexually-oriented business, licensed day-care facility, place of worship, school, library, or facility devoted to activities or recreation for minors regardless of whether such facilities are public or private in nature. Measurements shall be made in a straight line, without regard to intervening structures or objections, from the nearest point of the actual premises of the sexually-oriented business or licensed day-care facility, place of worship, school, library, or facility devoted to activities or recreation for minors.
- c. No sexually-oriented business shall be located closer than five hundred (500) feet from any property in the R-1, R-1M, R-2 District, or any residential use the B-1 District. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest boundary of the R-1, R-1M or R-2 District or the lot line of the residential lot in the B-1 District.

## CHAPTER XII

### RULES AND DEFINITIONS

#### 12.1 RULES OF INTERPRETATION

For the purpose of this Ordinance the following rules shall apply to the interpretation of the language used herein.

- A. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The masculine gender includes the feminine gender.
- C. The singular includes the plural and the plural the singular.
- D. The present tense includes the past and future tenses and the future, the present.
- E. The word may is permissive, the words shall or will are mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
- F. All distances expressed in feet shall be to the nearest tenth (1/10) of a foot, horizontally or vertically.
- G. In the event of a conflict, the most restrictive provision shall apply.

#### 12.2 DEFINITIONS

The following words shall be defined as follows for the purposes of this Ordinance:

**Abandoned Building:** A building as defined hereafter on public or private property, which no longer serves a practical use and is considered a safety hazard in the opinion of the Zoning Administrator due to its location or structural condition.

**Abandoned Motor Vehicle:** A motor vehicle as defined in Minnesota Statutes Chapter 169.01 that a) has remained on public property in an inoperable condition for more than forty eight (48) hours; or b) is on private property without the permission of the owner; or c) has remained on private property for more than thirty (30) days and is inoperable, or is unlicensed, unless kept in a garage or other storage structure. Refer also to Minnesota Statutes Chapter 168B.

**Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, including tower antennas, dish antennas exceeding thirty six (36) inches in diameter, swimming pools, wind generators, garages, sheds, boathouses, and similar structures. Does not include a guest quarters. Antennas exceeding thirty six (36) inches in diameter shall meet all setback requirements, but shall not be subject to height restrictions. The square footage of an accessory structure shall be the area enclosed within the foundation and the base area of any cantilevered section, with allowance for no more than three (3) foot roof overhang, regardless of the number of floors.



**Agricultural Use:** The use of land for the growing and/or production of crops, or livestock products for the production of income, including incidental retail sales of produce and animal products. Said use shall only occur on parcels of land equaling or greater than ten (10) acres in size.

**Animal Husbandry:** The care and breeding of domestic animals such as cattle, hogs, sheep, horses, and poultry.

**Animal Unit:** A unit of measure based on the approximate production of wastes.

	<u>Animal Unit</u>
(1) slaughter weight steer or heifer	1.0
(1) mature dairy cow or horse	1.4
(1) swine over 55 lbs.	0.4
(1) sheep	0.1
(1) dog	0.1
(1) goose	0.1
(1) duck	0.02
(1) turkey	0.018
(1) chicken	0.01
(1) cat	0.05

**Attorney, City:** the attorney duly appointed by the Council to represent the City of Ironton.

**Auto Salvage Yard:** A lot or yard where three (3) or more unlicensed motor vehicles are stored while parts are removed, where crushing occurs, or where storage pending part removal and crushing may occur.

**Bed and Breakfast Inn:** A dwelling other than a resort or hotel where nightly accommodations, including food services, are provided for compensation, containing up to six (6) separate rental rooms.

**Block:** An area of land bounded by streets, exterior boundary lines and/or bodies of water.

**Bluff:** A topographic feature such as a hill, cliff, or embankment having all the following characteristics:

- (A) Part or all of the feature is located in shoreland area; and
- (B) A slope rises at least 25 feet above the ordinary high water level of the water body; and
- (C) The grade of the slope from the toe of the bluff to a point twenty five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater; and
- (D) The slope must drain toward the water body.

An area with an average slope of less than eighteen percent (18%) over a distance for fifty (50) feet or more shall not be considered part of the bluff.

**Bluff Impact Zone:** The area of a bluff between the toe of the bluff and the top of the bluff.

**Boat House:** A structure designed and used solely for the storage of boats or boating equipment.

**Building:** Any structure having a roof, or completely enclosing and roofing an area for the purpose of sheltering persons, animals, or property.

**Building Height:** The vertical distance between the highest adjoining ground level at the building or ten (10) 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 or ten (10) feet below the peak whichever is higher.

**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.

**Building Official:** The person authorized by the State Building Code to administer building permits and appointed by the City Council. May be the same person as the Zoning Administrator.

**Building Widths:** The smallest dimension of the major portion of the building.

**Business Services:** Business that include banks, offices and postal stations.

**Campground:** A land use consisting of designated campsites with appropriate facilities designed for temporary occupation by tents or recreational vehicles with single ownership, management services and with site rentals.

**Campsite:** A parcel within a resort or campground designated for the occupancy of one (1) family on a periodic basis in a tent or recreational vehicle.

**City Administrator:** The duly appointed person responsible for the administration of the City affairs.

**City Sewer or Water Systems:** A system of municipally maintained utilities approved by the State and serving more than one building or property.

**Clothing Services:** Businesses that include dry cleaning and laundry establishments, laundromats, dress-making, millinery and tailor shops, shoe repair shops.

**Commercial Planned Unit 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 development. This also includes time-shared condominiums and leaseback programs.

**Commercial Use:** The principal use of land or buildings for the sale, lease, rental, trade of products, goods, or services.

**Commissioner:** the Commissioner of the Department of Natural Resources.

**Comprehensive Plan:** A compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social, and economic development of the City.

**Conditional Use:** A land use or development as defined by Ordinance that would not be appropriate without restriction, but may specifically be allowed with appropriate restrictions or conditions as determined by the City Council upon a finding that a) the use or development is an appropriate conditional use in the land use zone and b) the use or development with conditions conforms to the comprehensive land use plan and c) the use with conditions is compatible with the existing neighborhood and d) the use with conditions would not be injurious to public health, safety, decency, order, comfort, convenience, appearance, or prosperity.

**Condominium Ownership:** A form of ownership within a multi-owner building or complex wherein the boundaries are defined by a condominium plat in accordance with Minnesota Statutes 1980, Chapter 515A or subsequent revisions.

**Controlled Access Lot:** A riparian lot meeting the ordinance standards for a buildable lot, owned by more than one owner in undivided interest, provided with facilities and used for access, and not containing a dwelling.

**Cul-de-sac:** The circular turn around at the end of a street with only one outlet.

**Deck:** A horizontal, unenclosed platform with or without attached railings, seats or trellises or other attached features, attached or functionally related to a principal use or site and at any point extending more than two (2) feet above the ground.

**Duplex, Triplex, or Quad:** A dwelling structure on a single lot having two, three, or four dwelling units respectively being attached by common walls, and each unit is equipped with separate sleeping, cooking, eating, living, and interior sanitation facilities.

**Dwelling, Guest Quarters:** A structure used as a dwelling unit that may contain sleeping spaces and/or kitchen and/or bathroom facilities in addition to those provided in the primary dwelling unit on a lot; dependent upon the principal structure for primary utilities, services, entrance, parking and accesses; and not for rent or lease.

**Dwelling, Multi-family:** Two (2) or more dwelling units attached together by any point including duplexes, triplexes, townhouses, and multi-level units regardless of type of ownership.

**Dwelling, Single Family:** A dwelling unit totally separated from any other dwelling unit.

**Dwelling Site:** A designated location for residential use by one or more persons using temporary or movable shelter including camping and recreational vehicle sites. Same as campsite.

**Dwelling Unit:** A structure or portion of a structure or other shelter designed as short or long term living quarters for one or more persons including rental or time share accommodations such as motel, hotel, resort rooms, and resort cabins. This includes accommodations for one family.

**Easement:** A grant by a property owner for the use of a strip of land for the purpose of construction and maintenance of utilities including, but not limited to sewers, water mains, electric lines, telephone lines, storm sewer, or drainage ways and gas lines.

**Engineer:** The engineer duly appointed by the Council to perform technical services for the City of Ironton.

**Equipment Services:** Businesses that include radio and television shops, electrical appliance shops, showrooms of a plumber, decorator or similar trade.

**Exterior Storage:** Storage of goods, materials, equipment, manufactured products outside of a fully enclosed building.

**Extractive Use:** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, metallic or nonmetallic minerals or peat.

**Family:** An individual, or two (2) or more persons related by blood, marriage or adoption, living together in a dwelling unit or a group of not more than six (6) persons, not so related, maintaining a common household.

**Fence:** A partition, wall, or gate erected as a divider, marker, barrier, or enclosure on a property boundary, or a barrier, screed, or enclosure within the property.

**Final Common Interest Community Plat (CIC Plat):** A drawing prepared by a registered professional land surveyor or registered professional architect as to the parts of a plat prepared by each, depicting the condominium subdivision of real estate and related information conforming to the requirements of Minn. Stat. Sec. 515B.

**Final Condominium Plat:** A drawing prepared by a Registered Architect, Registered Engineer, or Registered Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minnesota Statutes 1980, Section 515.A.2-110.

**Final Plat:** A drawing prepared by a Registered Land Surveyor depicting the subdivision of real estate and related information conforming to the requirements of Minnesota Statutes, Chapter 505 or 515 as amended.

**Floodplain:** The areas adjoining a watercourse, intermittent or permanently flowing, which have been or will be covered by the runoff waters of a storm with a one percent (1%) chance of occurrence any year (one hundred (100) year storm).

**Floodway:** The channel of the watercourse and those portions of the adjoining floodplain, which are reasonable required to carry and discharge the regional flood (one hundred (100) year chance of occurrence).

**Floor Area:** The sum of the gross horizontal areas to the several interior floors of a building excluding basements not used for occupancy.

**Food Services:** Businesses that include grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessen, candy shops and bakeries whose products are sold only at retail on the premises.

**Forest Land Conversion:** The clear cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stands.

**Foundation:** A concrete, concrete and block, or treated wood portion of a structure which totally encloses the perimeter of the structure, supports the bearing loads of the super structure and penetrates the ground to provide frost protection.

**Group Home:** A specialized residential facility that provides care on a twenty four (24) hour basis for a selected group and providing specialized care and a planned treatment program under the direction and control of an agency, institution or independent operator. Children of the group home parents under the age or twenty one (21) years of age present in the home are included in the total number of children permitted to live in the home. See Minnesota Statutes.

**Green Space:** Privately owned property permanently dedicated by covenant to vegetative ground coverage with allowance for recreational facilities, tree coverage or water courses, water supply, sewage disposal and drives. Public property dedicated to park, vegetative buffer, tree coverage, or similar uses.

**Hardship:** The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his/her property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the ordinance.

**Home Occupation:** A use of commercial nature conducted by an occupant of the dwelling entirely within the dwelling or accessory buildings, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, including licensed day care for children within a home.

**Impervious Surface:** The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of storm water, including gravel drives and parking.

**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:** The complete removal of trees or shrubs in a continuous path, strip, row, or block.

**Interim Uses:** A temporary use of a property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it. Interim uses may be granted in accordance with Section 462.3597 of Minnesota Statutes and are processed in the same manner as conditional uses.

**Interval Ownership:** A form of ownership of real property, condominium land or space further defined by time interval reoccurring each year, resulting in more than one owner of the same property, also known as timeshare.

**Junk Yard:** An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of materials in conjunction with the construction or a manufacturing process shall not be included. Three or more automobiles without current licenses constitute a junkyard. Such use shall not include putrescent wastes such as garbage.

**Lake Classification:** The formal classification by the DNR of each body of public waters within the City.

**Landscaping:** The placement of trees, shrubs, grass, and walls and earth mounds or the utilization of existing natural vegetative cover equal thereto.

**Leaseback by Owner:** An arrangement between an owner of property and a leasing agent or resort, to promote and operate the property for rental purposes.

**Litter:** Waste materials including, but not limited to, cans, bottles, plastic, and paper wrappings or containers.

**Lot:** A parcel of land designated by plat, metes and bounds, Registered Land Survey, Auditor's Plat or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, mortgage, building, or separation.

**Lot Area:** The horizontal area of a lot bounded by the lot lines and the ordinary high water line if bounded by water.

**Lot, Corner:** A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point deflection in alignment of one street with the internal angle less than one hundred thirty five (135) degrees.

**Lot, Front:** The boundary of a lot which abuts on a public right of way, or if a corner lot, the shortest of the two (2) boundaries. If the lot abuts public water, the lakeside shall be considered the lot front.

**Lot Line:** The property lines bounding a lot except that where the description extends into a public right of way, the right of way line shall be considered the lot line.

**Lot, Preexisting:** A lot which is one (1) unit of a subdivision plat heretofore duly approved and filed or one unit of an Auditor's Subdivision, or Registered Land Survey, or a lot created by metes and bounds, any of which has been recorded in the office of the County Recorder prior to the effective date of this Ordinance.

**Lot Tier Depth:** The lot depth of a normal lot conforming to the shoreland requirements: General Development Lake, first tier two hundred (200) feet; second and additional tiers two hundred sixty seven (267) feet; Recreational Development Lake, all tiers two hundred sixty seven (267) feet; Natural Environment Lake, all tiers four hundred (400) feet.

**Lot Tiers:** Successive strips of land parallel with the ordinary high water line, each one-tier depth wide, and extending across the parcel.

**Lot Width:** The shortest distance between lot lines measured at the midpoint of the building line and at the OHW for all riparian lots.

**Metes and Bounds:** Descriptions of property and descriptions of lots other than lots in recorded subdivision plats.

**Manufactured Homes:** Means a structure transportable in one or more Sections, which in the traveling mode is eight (8) feet, or more, in width; or forty (40) feet, or more, in length; or, when erected on site, is three hundred twenty (320), or more, square feet, and which is built on a permanent chassis an designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and included the plumbing, heating, air conditioning and electrical systems contained the rein, except that the term included any structure which meets all the requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter. (Minnesota Statues, Section 327.3)

**Mobile Home/Manufactured Housing Development:** A form of planned unit development designed for mobile home/manufactured housing and including two possible types of ownership: single ownership with site rentals or individual site ownership with a homeowner's association owning common property.

**Motel/Hotel:** A commercial business with a central management to provide lodging and may provide related facilities such as restaurants, bars, and other recreational amenities. This does not include a bed and breakfast inn.

**Non-conformity/Non-conforming:** 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 now written, if the official controls had been in effect prior to the date it was established, recorded or authorized. A structure or use granted under a variance after adoption of the zoning Ordinance shall be considered a non-conforming use or structures.

**Nuisance:** By authority and direction of Minnesota Statute, 1980, Section 412.221, Subdivision 23 and 24; and Section 429.031, Subdivision 8; and Section 145.01 et seq., nuisance is anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact, and other similar interferences or offenses. See also performance standards herein.

**Ordinary High Water Level:** The boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominately terrestrial.

For watercourses where the DNR has determined the ordinary high water level (OHW), that level is adopted. For water courses where the DNR has not made such a determination the ordinary high water level is the elevation of the top of the bank of the channel, for reservoir and flowages the ordinary high water level is the operating elevation of the normal summer pool.

**Parking Space:** A site off public right of way, maintained and sized to be occupied by one (1) automobile.

**Party Wall or Floor:** The structural divider between dwelling units vertically or horizontally, respectively.

**Patio:** An uncovered, unscreened platform, which is two (2) feet, or less above ground at its highest point and not exceeding two hundred fifty (250) square feet.

**Permitted Use:** A land use conforming to the character of a zoning district, which is permitted by ordinance requiring only a zoning permit issued by the Zoning Administrator.

**Personal Services:** Businesses that include drug stores, hardware stores, haberdasher, stationery and bookstores, news shops, apparel shops, show room for articles to be sold at retail, flower shops, commercial greenhouses, barber and beauty shops, reducing salons, photographic shops and funeral homes.

**Pet:** An animal, bird, reptile or fish commonly associated with human habitation, not considered under animal husbandry and not raised for production of income.

**Planned Unit Development (P.U.D.):** A land use or development pattern 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 involving clustering of these units or sites to provide areas of common green space, density increase, and mix of structure types and land uses. These developments may be organized and operated as condominiums, time share condominiums, cooperatives, full free ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential, condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. The Open Space Neighborhood Design (OSND) pattern shall be considered a planned unit development.

**Planning Commission:** The body duly appointed by the City Council to determine the development of the City, to review and recommend action on conditional use permits, interim use permits, comprehensive plans, zoning district boundaries, subdivision of land and capital improvements.

**Preliminary Plat or Preliminary Condominium Plat:** A plan prepared in accordance with the Subdivision Ordinance depicting the proposed subdivision of property by Final Plat or Condominium Plat.

**Principal Structure or Use:** The single primary structure or use on a lot, as distinguished from accessory uses or accessory structures.

**Protective Covenants:** Restrictions placed on the property by the owner and duly filed with the County Recorder. These may also be used in planned unit developments to establish homeowners associations, restrict shoreline development and provide for common facilities.

**Public Waters:** Any waters as defined in Minnesota Statutes Sec. 105.37, Sub. 14 and 15. However, no lake, pond, or flowage of less than ten (10 ) acres in size in municipalities need be regulated for the purposes of the shoreland management rule.

A body of water created by a private user where there was no previous shoreline may, at the discretion of the local government, be exempted from the shoreland management. The official determination of the size and physical limits of drainage areas of rivers and streams should be made by the Commissioner.

**Recorder:** The County Recorder of Crow Wing County.

**Recreational Services:** Businesses that include theaters, bowling lanes, clubs and lodges.



**Recreational Vehicle:** Vehicles including trailers less than eight (8) feet wide or containing less than three hundred twenty (320) square feet, which are designed to be occupied as living quarters, and capable of being licensed by the State for highway purposes.

**Replacement Tree:** A tree (independent of species) that has a trunk diameter of two (2) inches or more, measured three (3) feet from the ground and has a height of eight (8) feet or more. The species selected shall be capable of growing to a height of at least fifteen (15) feet.

**Residential Planned Unit Development:** A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example: residential apartments, manufactured home parks, townhouses, cooperatives, and full fee ownership residences would be considered as Residential Planned Unit Developments. A Residential PUD shall not include time-share condominiums or lease-back programs.

**Resort:** A commercial business with a central management to provide necessary services and having dwelling units and/or campsites for rent or owned by time interval and may provide related facilities as restaurants, bars, golf courses, or other recreational amenities.

**Restaurant:** An establishment having facilities for serving meals at tables to the general public, in consideration of payment therefore, and which employs adequate staff to provide the usual, customary and suitable service to guests.

**Restaurant, Formula:** A restaurant or establishment that is contractually required to offer standardized menus and ingredients and where the exterior or interior design and which serves or delivers food or beverages in disposable containers.

**Right-of-way:** A parcel of property dedicated to the public, connecting to other public right-of-ways, which afford primary access by pedestrians and vehicles to abutting properties.

**Riparian Rights:** The rights of access for navigation, withdrawal of a reasonable amount of water and similar activities, which belong to the owner of land adjacent to a lake or stream.

**Semi-public Use:** The use of land by private non-profit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization. Considered a P.U.D. under this ordinance

**Sensitive Resource Management:** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water 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, well or other facility and an ordinary high water level, sewage treatment system, well, top of bluff, road, highway, property line or other facility. Twenty-four (24) inches of roof overhang, stoops not exceeding thirty two (32) square feet and steps from stoop to ground not over four (4) feet wide may protrude into the setback.

**Setback – Interior Lot:** In a planned unit development, the closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three (3) feet of roof overhang, stoops not exceeding thirty two (32) square feet and steps from stoop to ground not over four (4) feet wide may protrude into the setback.

**Setback – Road:** The closest horizontal distance between the road right of way line and the foundation or wall of a structure. Three feet of roof overhang, stoops not exceeding thirty (30) square feet and steps from stoop to ground not over four (4) feet wide may protrude into the setback.

**Setback – Side, Exterior:** The closest horizontal distance between the exterior boundary side lot line and foundation or wall of a structure. This setback takes precedence over setback, interior lot, where any conflict exists. Three feet of roof overhang, stoops not exceeding thirty (30) square feet and steps from stoop to ground not over four (4) feet wide may protrude into the setback.

**Setback – Waterfront:** the closest horizontal distance between the ordinary high water mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoop not exceeding thirty (30) square feet and steps from stoop to ground not over four (4) feet wide may protrude into the setback.

**Sewage Treatment System:** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080 of the State Rules and Regulations.

**Sewer System:** Pipe lines or conduits, pumping stations and force mains and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.

**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 fifty percent (50%) of the normal structure setback.

**Shoreland:** Land located within the following distances from public water: one thousand (1000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (300) feet from a river or stream, or landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides, which extend landward from the water for lesser distances and when approved by the Commissioner.

**Shoreline Property:** A lot directly abutting public water, generally located in the first lot tier adjoining the public water.

**Signs:** A name, identification, description, display, illustration, advertisement, or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution, or business.

**Sign, Area Identification:** Any sign identifying the name of a neighborhood, residential subdivision, PUD or similar area.

**Sign, Business:** Sign which directs attention to a business, commodity, service, activity or entertainment sold or offered upon the premises where such sign is located.

**Sign, Construction:** A temporary sign erected during construction on the premises of the site where the construction is taking place indicating the names the architects, engineers, landscape architects, contractors or similar artisans, and/or the owners, financial supporters, sponsors and similar individuals for firms having a role or interest with respect to the structure or project.

**Sign, Freestanding:** Any sign, which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

**Sign, Home Occupation:** Any sign designating a home occupation as defined in this Ordinance when such sign is located on the premises of the residential property where the business is being conducted.

**Sign, Internal Directional:** A sign which serves solely to designate the direction of any place or area located on the same lot as said place or area necessary for the orderly movement of traffic or providing necessary direction to users of the site. Examples include parking lot entrance and exit signs, directional signs to holes within a golf course, and similar signs.

**Sign, Internal Identification:** A sign that has a purpose secondary to the use of the lot on which it is located, such as “telephone”, “drive-up window”, “cash machine”, “air” and similar directives.

**Sign, Multi-Family Building Identification:** A sign indicating information related to the name, address, ownership, and other incidental property information for a multi-family dwelling complex located on the premises of said complex.

**Sign, Obsolete:** A sign which identifies or advertises an activity, business, product, service or special event no longer produced, conducted, performed or sold on the premises upon which sign is located. Signs of historical character shall not be subject to the provisions of this section.

**Signs-Offsite:** Any sign not located on the contiguously owned property with the use, which is advertised.

**Signs-Onsite:** Any sign located on the contiguously owned property with the use, which is advertised.

**Official Signs and Notices:** Signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purposes of carrying out an official duty or responsibility.

**Sign, Nameplate:** Any sign indicating the name, address and other non-commercial messages on a residential property.

**Sign, Political:** A temporary sign advertising election issues or the candidacy of a person running for office.

**Sign, Portable:** Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such sign.

**Sign, Protruding:** Any sign that is affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface or such building wall or face.

**Sign, Real Estate:** Any sign which announces the sale, rental or lease of property by the owner of said property or real estate company when such sign is located on the site of property being advertised.

**Sign, Semi-Public Identification:** A sign displaying identification information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar uses when located on the site of the use for which the sign is intended.

**Sign, Semi-Public Directional:** A sign displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses (excluding office of commercial establishments) not necessarily located on the site of the use being advertised.

**Signs – Temporary:** A sign affixed, erected or maintained on a premise for a limited amount of time, that is not regulated by the State Building Code, including portable signs which are designed for and capable of being moved from one location to another; and including banners, pennants or similar displays.

**Sign, Wall:** A sign attached parallel to, painted on the surface of, or erected within the limits of an outside wall of any building or structure, which is supported by such wall or structure and projects six (6) inches or less from said surface, and which displays only one sign surface.

**Significant Historical Site:** Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the State Register of Historical Sites or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes Sec. 307.08. A Historical 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 Archeologist of the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.

**Sketch Plan Review:** A preliminary discussion and review of a proposal in sketch plan form between the proposer and the Planning Commission to educate the commission as to the intent of the proposer, and to provide the proposer with feedback regarding concerns of the Commission.

**State Licensed Residential Facility:** Any facility, public or private, which for gain or otherwise regularly provides one or more persons with a twenty-four (24) hours per day substitute for care, food lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. These facilities include, but are not limited to: state institutions under the control of the Commissioner of Human Services, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults, or schools for handicapped children.

**Steep Slope:** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness due to the site's soil characteristics as mapped and described in available County Soils Surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%) as measured over horizontal distances of fifty (50) feet or more, but which are not bluffs.

**Street:** A public right of way, which affords primary vehicular access to abutting property and shall include avenue, road, or highway, boulevard, drive, etc.

**Storage Shed:** An accessory structure, on fixed permanent footings or foundations erected for the purpose of storing miscellaneous personal property, containing no plumbing and not exceeding one hundred twenty (120) square feet and no more than ten (10) feet high, inside dimensions, and constructed of material compatible with the principal structure and earth tone in color. Roof overhang shall not exceed eighteen (18) inches.

**Structure:** Any building, appurtenance including decks or other facility constructed, placed or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines, and except walks or steps on grade not more than four (4) feet wide, stoops not exceeding thirty (30) square feet, fences, temporary furniture, planters, and retaining walls consisting of wood or block four feet high or less. Fences shall be considered structures, but subject only to Section 8.3 of the Zoning Ordinance.

**Subdivider:** The owner, agent, person, corporation, partnership, or legal entity proposing to subdivide property under his/her control.

**Subdivision:** The division of real estate into two (2) or more parcels for the purpose of sale, rent, or lease, or mortgage, including planned unit development.

- A. **Subdivision by Plat:** The subdivision into two (2) or more parcels of any size by the authority of Minnesota Statutes, Chapter 505, with documents prepared by a Registered Land Surveyor and duly approved by the City Council and Council. See also Subdivision Ordinance 7.3.
- B. **Subdivision by Condominium Plat:** The subdivision of a building or the subdivision of real estate into two (2) or more spaces or parcels of any size by the authority of Minnesota Statutes, Chapter 515A with documents prepared by a Registered Land surveyor and duly approved by the City Council.
- C. **Subdivision by metes and bounds:** Any division of real estate resulting in two (2) or more parcels which are not platted, but divided by description prepared and signed by a Registered Land Surveyor. The City Council shall consider all subdivisions by metes and bounds resulting in residential parcels less than twenty (20) acres or five hundred (500) feet in width; and commercial parcels less than five (5) acres or three hundred (300) feet in width for approval.
- D. **Subdivision by Common Interest Community (CIC):** The subdivision of a building or the subdivision of real estate into two (2) or more spaces or parcels of any size by the authority of Minnesota Statutes, Chapter 515B, with documents prepared by a Registered Land Surveyor and duly approved by the City Council.

**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 operation of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such.

**Temporary Structure:** A structure of a temporary character including but not limited to houseboats, recreational vehicles, tents, or shacks used as dwellings for more than a 5-day period per year. Any new dwelling constructed or placed after the date of this ordinance and not on a permanent foundation shall be considered a temporary structure.

**Toe of Bluff:** The lower point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%), or the ordinary high water level if closer to the bluff than the lower point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%).

**Top of the Bluff:** The higher point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%).

**Variance:** A legally permitted deviation as provided in M.S. 462.357, Sub. 6. from the provisions of this Ordinance as deemed necessary by the when the strict interpretation of the Ordinance would create undue hardship and be impractical because of circumstances relating to lot size, shape, topography or other characteristics of the property and when the deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance. Variances cannot create a land use not permitted or prohibited in a zone.

**Vegetation Removal, Clear Cutting:** The removal of more than seventy five percent (75%) and up to one hundred percent (100%) of a stand of trees and brush, on a lot or parcel of land up to forty (40) acres.

**Vegetation Removal, Open Cutting:** The removal of more than twenty five percent (25%) and up to seventy five percent (75%) of a stand of trees and brush on a lot or parcel of land up to forty (40) acres. This shall include the removal of more than fifty percent (50%) of the under-story trees and brush from the property.

**Vegetation Removal, Select Cutting:** Removal of dead, diseased or damaged trees or shrubs, or removal of trees for placement of structures and drives, and further removal of only individual trees to uniformly thin up to twenty five percent (25%) of a stand on a lot or parcel of land up to forty (40) acres. Up to fifty percent (50%) of the under-story and brush may be removed.

**Walkway:** A parcel of land dedicated to the public for non-vehicular access purposes.

**Water-Oriented Accessory Structure or Facility:** 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 is located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, patios, gazebos, screen houses, fish cleaning houses and detached decks. Permanent covers over boatlifts are included. Canvas covers are excluded.

**Wetland:** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must:

- A. Have a predominance of hydric soils.
- B. Be inundated or saturated by surface or groundwater at a frequency and duration to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- C. Under normal circumstances, support a prevalence of hydrophytic vegetation.

A “wetland” means the distinct hydrologic feature with characteristics of wetlands surrounded by non-wetland and including all contiguous wetland types, except those connected solely by riverine wetlands. Wetland Area means a portion of a wetland or the entire wetland.

Wetlands do not include public waters wetlands and public waters that are designated on the public water inventory maps prepared under Minnesota Statutes, Section 103G.201. “Wetlands in a cultivated field” shall mean a wetland where greater than fifty percent (50%) of its boundary abuts land that was in agricultural crop production in six (6) of the ten (10) years before January 1, 1991. “Wetlands on Agricultural land” shall mean a wetland where greater than fifty percent (50%) of its boundary abuts agricultural land. See also the Ironton Wetland Ordinance.

Zoning Administrator: The duly appointed person responsible for the enforcement and administration of this Ordinance. May be the same as the Building Official.

Zoning District: An area of the City of Ironton defined on the zoning map, which defines the boundaries of the zoning districts.

Zoning Map: The map of the City of Ironton, amended from time to time, which defines the boundaries of the zoning districts.

Zoning Permit: A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this ordinance have been met and when approval of any conditional use permits or variances has been granted and when the fees are paid. A zoning permit may have administrative conditions specific to the subject site when provided by the ordinance. The building permit issued by the Building Official for erection, modification, or removal of a building structure constitutes the zoning permit for that use.

## **CHAPTER XIII**

### **ADMINISTRATION**

#### **13.1 ZONING ADMINISTRATOR**

The Zoning Administrator shall be appointed by the City Council.

**A. The Duties of the Zoning Administrator:**

1. To determine if applications are complete and comply with the terms of the Ordinance.
2. Maintain permanent and current records of the Ordinance including but not limited to maps, amendments, zoning or use permits, conditional use permits, variances, appeals and applications, certificate of compliance for onsite sewage treatment systems, and a separate file for future conditions or expirations of permits.
3. Review, file, and forward applications for appeals, variances, conditional/interim uses, and zoning amendments.
4. Enforce the provisions of this Ordinance by reviewing complaints and by pursuing contacts with any violator in accordance with standard procedures as adopted and modified from time to time; and instituting with the City Attorney in the name of the City any appropriate actions or proceedings against any violator.
5. To attend meetings and provide research and findings to the Planning Commission.
6. To issue conditional/interim use permits when directed by the Planning Commission and City Council.
7. To issue notices of a zoning change when directed by the City Council.
8. To mail a copy of the findings to the applicant.
9. To file copies of fully approved Conditional/Interim Use Permits, and Variances with the County Recorder within 15 day of approval.
10. To communicate with the DNR where required by the Ordinance, including notice and findings of all conditional use permits, variances, zoning changes, and plats within shorelands.
11. To administer the local duties of the Environmental Review Program.

- B. The Zoning Administrator and his/her duly authorized deputies shall have the right to enter onto privately owned property within the City of Ironton without the authorization of the owner at all reasonable times in the necessary pursuit of their duties.**



### 13.2 BUILDING OFFICIAL

#### A. The Duties of the Building Official:

1. To conduct inspections of buildings, sewage systems, and other uses of the land to determine compliance with the terms of the Ordinance, electrical inspections and plumbing inspections, if desired or required, shall be the responsibility of the builder to arrange with the State of Minnesota.
2. To attend meetings and provide research and findings to the Planning Commission.
3. To issue permitted zoning permits upon application for structures on lots conforming to this Ordinance when the conditions of this Ordinance are met.
4. To issue certificate of compliance for conforming onsite sewage treatment systems.

B. The Building Inspector and his/her duly authorized deputies shall have the right to enter onto privately owned property within the City of Ironton without the authorization of the owner at all reasonable times in the necessary pursuit of their duties.

### 13.3 PLANNING COMMISSION

The Planning Commission shall be the Board appointed by the City Council as provided in M.S. 462.354. The Planning Commission, and shall hold its meetings on a monthly or more frequent basis at the discretion of the Chair.

#### A. Duties of the Planning Commission:

1. To review applications for variances, conditional use permits, interim use permits and rezoning of land within the City of Ironton.
2. To review an appeal of action of the Zoning Administrator or Building Official and to recommend action to the City Council within a reasonable wherein the Board will take the authority of the Zoning Administrator and/or Building Official.
3. To make recommendations to the City Council regarding requested zoning district boundary changes or amendments to the Ordinance. Such recommendations shall be made within sixty (60) days of the initial application.
4. To review and recommend approval or denial on proposed plats or proposed condominium plats and to provide recommendations on final plats and final condominium plats to the City Council.
5. To review and recommend approval or denial all metes and bounds property divisions within the City.

6. To review and recommend approval or denial requests for Conditional/Interim Use Permits, and explain the basis for the decision in findings.
  7. To periodically review the zoning map and Ordinances and determine their role in shaping the growth of the community and to recommend changes to the City Council of these documents to guide growth and current land use toward the goals of the Comprehensive Plan.
  8. To recommend on a timely basis that the City Council review the Comprehensive Plan when appropriate.
  9. To keep a record of its proceedings, notifications and the findings for its actions.
- B. At the annual organizational meeting, the Planning Commission shall elect from among its membership a chair, and vice chair.
- C. It shall be the duty of each individual member to be present at all meetings of the Planning Commission. More than three (3) absences in any one (1) year period shall be grounds for replacement by the City Council.

#### 13.4 CITY COUNCIL

The City Council shall have the following duties under this Ordinance:

- A. Appoint the Zoning Administrator and/or Building Official by a majority vote or terminate him or her by a four fifths (4/5) vote of the full Council.
- B. Appoint the Planning Commission members by majority vote or to remove members by a four fifths (4/5) vote of the full Council.
- C. To conduct the required public hearings for all land use applications, including, but not limited to variances, conditional use permits, interim use permits and rezonings, decide to accept, modify, or reject within the allowable time the following:
  1. Recommendations from the Planning Commission for changes in Zoning District boundaries or amendments to the Ordinance.
  2. Recommendations from the Planning Commission for approval or denial of variances, conditional use permits, interim use permits or for the acceptance of final plats, condominium plats, or other recommendations.
  3. To instigate an appeal proceeding upon review of the Planning Commission actions if it finds the said actions to deviate from the ordinance. Said instigation shall be started at the next normal Council meeting, following the Planning Commission action. All original parties shall be notified by mail of the appeal hearing.

### 13.5 CONDITIONAL USE PERMITS

Pursuant to Minnesota Statutes, Chapter 462, The Planning Commission shall review and recommend action on conditional use permits to the property for structures or other specified uses upon approval after a public hearing where it makes findings of fact that the proposal is consistent with the terms of this section. The City Council shall have the authority to approve or deny all requests for conditional use permits.

- A. Application Process. All applications for a conditional use permit shall be submitted to the Zoning Administrator not less than 20 days ahead of the hearing date, accompanied by the required submission, along with the appropriate fee. The fee or contract owner of the property shall sign the application.

The Zoning Administrator shall notify all property owners within three hundred fifty (350) feet by regular mail and shall advertise the sharing once in the legal section of the official newspaper at least ten (10) days ahead of the public hearing. He shall send the same notice postmarked at least ten (10) days in advance of the hearing, to the DNR if the proposed use is in shoreland. At his/her option, the proposer may request a sketch plan review with no action by the Planning Commission and with no fee by giving at least five (5) days notice thereof to the Zoning Administrator if meeting time permits.

- B. Submissions for CUP. As a minimum, the following items shall be submitted along with the appropriate application fees:

1. Legal description of site; and
2. Site plan drawn to scale showing parcel and existing building dimensions and 10' minimum contours for residential projects and two (2) foot contours for all commercial projects and surface water features; and
3. Location of all existing and proposed buildings and their square footage. All proposed buildings shall be staked onsite; and
4. Existing and proposed curb cuts, driveway, access roads, parking, off street loading and sidewalks; and
5. Proposed landscaping and screening plans; and
6. Proposed drainage plan; and
7. Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day; and
8. Soil data; and
9. Proposed signing and lighting; and
10. Current survey showing existing iron pipe boundary monuments marked with proof of survey. Stakes shall be visible onsite; and

11. Floor Plans indicating dimension of all proposed rooms and areas identifying the proposed uses; and
12. Elevations of the proposed buildings identifying exterior treatments and materials to be used and color; and
13. UBC conformance certification for all commercial buildings exceeding fifteen hundred (1500) square feet in area; and
14. Other information determined by the Zoning Administrator as necessary to determine if the application meets the criteria for issuance of a conditional use permit.

C. Evaluation Criteria. The following criteria shall be used in reviewing a proposed conditional use permit application. The use with conditions will:

1. Ensure that the use and enjoyment of other property in the immediate vicinity for the purposes already permitted is not impaired.
2. Will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. Provide adequate measures sufficient off-street parking and loading spaces to serve the proposed use.
5. Ensure that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
6. Not depreciate property values within the immediate vicinity.
7. Not cause the local, County or State road systems to exceed their safe carrying capacity.

For projects within the shoreland district additional review criteria shall be considered and a thorough evaluation of the proposal, the water body, and the topographic, vegetation and soils condition on the site must be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters both during and after construction.
2. The visibility of structures and other facilities as viewed from public waters is limited.
3. The site is adequate for water supply and on-site sewage treatment if necessary.

4. The types, uses and numbers of watercraft the project will attract are compatible in relation to the suitability of public waters to safely accommodate those watercraft.
  5. The use or development is an appropriate conditional use in the land use zoning district.
  6. The use or development with conditions, conforms to the Comprehensive plan for land use.
  7. The use with conditions is compatible with the existing neighborhood.
  8. The use with conditions would not be injurious to public health, safety, decency, order, comfort, convenience, appearance, or prosperity.
- D. In permitting a new conditional use or alteration of an existing conditional use, the City Council may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include but are not limited to the following:
1. Increasing the required lot size or yard dimension.
  2. Limiting the height, size or location of buildings.
  3. Controlling the location and number of vehicle access points.
  4. Increasing the street width.
  5. Increasing the number, size, location, or lighting of signs.
  6. Limiting the number, size, location, or lighting of signs.
  7. Requiring diking, fencing, screening, landscaping, or other steps to protect adjacent or nearby property.
  8. Designating sites for green space.
  9. Restricting the number of access points on to the County or State Highway system.
  10. Increasing Setbacks from Wetlands to ensure protection of the resource.
  11. Restricting Formula Restaurant or revising design standards to ensure the preservation of the unique small town character of the City of Ironton.
- E. The findings and determinations shall be provided to the DNR postmarked within ten (10) days, if in shorelands.

- F. Conditional Use Permits shall be transferable to new property owners except as provided in Home Occupations or Interim Uses.
- G. Failure by the owner to act in reliance on a Conditional Use Permit within 6 months or failure to complete the work under a Conditional Use Permit within two years, unless extended by the City Council, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption except Planned Unit Developments.
- H. Appeals from the action of the City Council or shall be filed with the City Clerk within thirty (30) days after City Council or action, or at the next regular meeting of the City Council, whichever is later. The City Council shall hear the appeal.
- I. The Conditional Use Permit shall be filed with the County Recorder within fifteen (15) days of approval with the filing fee paid by the applicant.
- J. The applicant shall be responsible for all the City's professional costs in reviewing the proposal, including but not limited to legal, engineering, planning, and financing assistance.
- J. Planned Unit Development Procedure and Submissions:
  - 1. Additional Procedural Requirements. The applicant shall submit a concept plan to the Planning Commission for review and discussion at least five (5) days prior to the meeting, or shall provide the complete application required in (2) hereafter.
  - 2. Upon decision to proceed by the Planning Commission, the applicant shall submit preliminary documents, prepared with professional help, including as a minimum the items listed under (2) above, and further shall contain the following:
    - a. Proposed concept plan of operation.
    - b. Proposed plat or proposed condominium plat, if applicable
    - c. Two (2) feet contour interval topography.
    - d. Specimen tree locations.
    - e. Locations of structures on adjoining properties.
    - f. Proposed facilities:
      - 1. Buildings.
      - 2. Recreation facilities.
      - 3. Drives and parking.
      - 4. Grading limits.

5. Planting.
  6. Signs and lighting.
  7. Sewage disposal system concept.
  8. Water supply and fire protection concept.
  9. Drainage plan.
  10. Floor plans and elevation views of proposed structures.
  11. Proposed timing and phasing.
  12. Proposed final security to be given to the City.
  13. Proposed development contract with the City.
2. The City Council shall review the above data and make a decision within the prescribed time frame in accordance with Minnesota Statutes.
- L. The City Council may initiate an appeal and review the decision if desired, no later than the next regular Council meeting after the Planning Commission action.
- M. Once the approval is received the applicant shall then proceed within the time frame accepted under the preliminary proposal to provide final documents as required, including:
1. Financial security.
  2. Development contract.
  3. Final plat or condominium plat.
  4. Final covenants and Homeowners Association documents.
  5. Final time schedule.
  6. Final site plan, which will control development with proposed grades and elevations.
  7. Multifamily or commercial building plans by Registered Architect if three (3) units or more over fifteen hundred (1500) square feet respectively.
  8. Sewer and water plans by Registered engineer.
  9. Final grading plan, with erosion control.
  10. Final landscaping/screening plan by Registered Landscape Architect or nursery.
  11. Agency approval documents.

12. Title opinion.
13. Surveyors plat check.
14. As built plans shall be filed with the City on sewer and water systems within sixty (60) days of completion.
  - A. The City Council shall review the final documents and if complete in accordance with the preliminary approval, shall approve the application and recommend approval of the plat to the City Council.
  - B. Prior to the opening of any business regulated by a conditional use permit, interim use permit or variance, a complete set of as-built drawings shall be submitted and reviewed by the Zoning Administrator and City Engineer. As-built plans shall include the following items:
    1. Updated survey completed by a Registered Land Surveyor, indicating impervious surface coverage, setbacks and all improvements.
    2. Drainage plan.
    3. Structure as-builts indicating rooms and uses.
    4. Signage Dimensions.
    5. Photographs of Structures and Signage.

### 13.6 INTERIM USES

Interim uses, as defined in Minnesota Statutes, Chapter 462.3597, are allowed by the City after appropriate review by the City Council. An interim use is a use that for a brief period will be compatible with existing or anticipated uses, or a use that is presently judged acceptable for an area until such time it will not be acceptable given anticipate growth patterns. An interim use will be reviewed in the same manner as a Conditional Use permit. All submittal requirements in 12.6 (B) shall be required for interim use permits.

- A. In addition to the review criteria for Conditional Use Permits, the following criteria shall be used for Interim use permits. The findings of fact shall include that:
  1. The use conforms to zoning regulations; and
  2. The date or event that will terminate the use; and
  3. The permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
  4. That the user agrees to any conditions deemed appropriate by the City for the permission of the use.



- B. Any interim use may be terminated by a change in the zoning classification.
- C. Prior to the opening of any business regulated by a conditional use permit, interim use permit or variance, a complete set of as-built drawings shall be submitted and reviewed by the Zoning Administrator and City Engineer. As-built plans shall include the following items:
  - 1. Updated survey completed by a Registered Land Surveyor, indicating impervious surface coverage, setbacks and all improvements.
  - 2. Drainage plan.
  - 3. Structure as-builts indicating room sizes and uses.
  - 4. Signage Dimensions.
  - 5. Photographs of Structures and Signs.

### 13.7 VARIANCES

Where the literal interpretation of the terms of this ordinance cause a hardship to a property owner, the City Council may grant a variance from a standard or dimensional requirement as set forth in the procedures outlined below.

- A. A Complete Application. Variances shall be issued for structures and/or uses as approved by the City Council after a public hearing. All applications for a variance shall be submitted to the Zoning Administrator not less than twenty (20) days ahead of the hearing date, accompanied by a complete drawing to scale showing the details of the proposal and an accurate legal description along with the appropriate fee. The application shall be judged as a complete application if it contains the information required in Section 12.6 (B). The fee or contract owner or his/her authorized agent shall sign the application.
- B. The Administrator shall notify all property owners within three hundred fifty (350) feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten (10) days ahead of the public hearing. He shall send the same notice to the DNR postmarked at least ten (10) days prior to the date of the hearing, if the proposed use is in shorelands. At his/her option, the proposer may request a sketch plan review with no action taken by the City Council and with no fee by giving five (5) days notice thereof to the Zoning Administrator if meeting time permits. The Zoning Administrator shall provide the findings and determination to the DNR postmarked within ten (10) days, if in shoreland.
- C. Variance Criteria. Variances shall be granted if the City Council finds that the application meets the following criteria:
  - 1. Does the strict enforcement of the provisions of this ordinance create an undue hardship to the property owner?

2. Is the granting of the variance in keeping with the spirit and intent of the Ordinance?
3. Is the plight of the property owner due to circumstances unique to the property and not caused by the property owner?
4. Do the terms and conditions of the variance protect the essential character of the neighborhood?
5. Is the variance based on findings of fact other than economic considerations?
6. Is the variance for a land use that is allowed under the terms of the Ordinance?

**D. General Provisions**

1. Variances shall not allow or create a use not provided for in a zoning district.
2. Variances shall run with the land and are transferable with the real estate to a new owner.
3. Variances shall be decided within sixty (60) days of the receipt of a completed application as determined by the Zoning Administrator, unless extended pursuant to Chapter 15.99 of Minnesota Statutes.
4. Failure by the owner to act in reliance on the variance within six (6) months or failure to complete the work under a variance within one year unless extended by the City Council shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any variance outstanding at the time of the Ordinance adoption.
5. Violation of the conditions on a variance shall void the variance.
6. The Zoning Administrator shall file a copy of all approved variances with the County Recorder within fifteen (15) days of approval at the expense of the applicant.

**E. Prior to the opening of any business regulated by a conditional use permit, interim use permit, or variance, a complete set of as-built drawings shall be submitted and reviewed by the Zoning Administrator and City Engineer. As-built plans shall include the following items:**

1. Updated survey completed by a Registered Land Surveyor, indicating impervious surface coverage, setbacks and all improvements.
2. Drainage plan.
3. Structure as-builts indicating room sizes and uses.
4. Signage Dimensions.

## 5. Photographs of Structures and Signage.

### 13.8 ZONING PERMITS/BUILDING PERMITS

Zoning/Building permits shall be issued for all new structures, signs and any change in structure exterior dimensions, and any construction or repair of sewage systems, and any grading and filling in shorelands not exempted by this ordinance. No person shall assemble, install, remove, or construct any structure prior to applying for and receiving a zoning permit. In order to obtain a permit for any improvement of any type it shall be necessary to upgrade or replace any non-conforming sewage treatment to meet the standards for conforming systems. No Zoning/Construction permit shall be issued without a valid certificate of compliance.

- A. Where a proposed use requires action of the Planning Commission or Council, or posting of financial security, or filing restriction with the County Recorder, said action shall occur and the conditional use permit, variance, zoning district change, final plat plan approval, or approval of metes and bounds division shall be issued and/or security posted or restriction filed before the zoning permit is issued.
- B. The Zoning/Building permit application shall contain the legal description of the property and the signature of the fee or contract owner of the property or his/her authorized agent. Lot corners shall be visible on the lot. The Zoning Administrator and/or Building Official may require a new survey when stakes are not visible or have been removed through erosion, construction, or other action, and a new certificate with existing and record dimensions. Where a restriction is required by this ordinance, the City shall provide evidence that such a restriction has been recorded to the Zoning Administrator prior to issuance of the permit.
- C. Unless extended by the Zoning Administrator and/or Building Official, where a zoning permit has been issued but no action in reliance on it has occurred within twelve (12) months, the zoning permit shall be null and void. The Zoning Administrator and/or Building Official may extend the time limits for good cause. A second extension shall require a new fee.
- D. Granting of a building/zoning permit shall not be considered a statement of compliance with regional, State or Federal codes, statutes, or laws, or approval of the design of the structure or accessories, or description or survey of the property. Subsequent actions of the Zoning Administrator shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with the Ordinance.
- E. If the Zoning Administrator and/or Building Official determines, in writing that any violation of the permit or any section of the ordinance has occurred, the permit shall immediately become null and void. Such a determination shall be appealable to the City Council, which shall consider the matter at its next meeting.

13.9 FEES

The Council shall adopt a schedule of fees from time to time for all permits. No permit shall be issued, or request brought before the Planning Commission until the fees are paid. All late applications or after the fact applications shall require an additional fee whether the permit is issued or not.

## **SECTION XIV**

### **ENFORCEMENT**

#### **14.1 VIOLATIONS AND PENALTIES**

The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to the Ordinance shall be a misdemeanor, and upon conviction thereof, the violation shall be subject to a fine of not more than \$1,000.00 or imprisonment for a term not to exceed ninety (90) days or both. Each act of violation and every calendar day on which such violation occurs or continues shall be a separate offense. The owner of the subject property and any contractor involved may be considered jointly liable in appropriate circumstances.

#### **14.2 LIABILITY OF CITY OFFICIALS**

The failure of any officer of the City or Board or employees of the City to act pursuant to this ordinance except as an individual acting in their own behalf, shall not be an offense and shall not subject the officer, Board or employee to any penalty except that provided for under performance of City personnel under the City personnel policies. The City shall not be liable for problems arising from reliance on lot corners, legal description or other information provided by the property owner.

#### **14.3 EQUITABLE RELIEF**

In the event of a violation or threatened violation of any provision of this ordinance or the conditions of any permit issued pursuant to the ordinance, the City in addition to other remedies, may act or institute civil action to prevent, restrain, correct, or abate such violation or threatened violation.

## **SECTION XV**

### **SEPARABILITY, SUPREMACY, EFFECTUATION, AMENDMENTS**

#### **15.1 SEPARABILITY**

Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

#### **15.2 SUPREMACY**

When any condition implied by this Ordinance on the use of land or building is either more restrictive or less restrictive than applicable conditions imposed by statute, rules and regulations, other City ordinance or regulation or other jurisdiction, the more restrictive shall apply. The Ordinance does not abrogate any easements, restrictions or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable provision of this Ordinance, the Ordinance shall prevail.

#### **15.3 EFFECTUATION**

This ordinance shall be in full force and effect one (1) week from and after its publication after passage by the City Council.

#### **15.4 AMENDMENT**

The City Council may adopt amendments by simple majority of the full Council to either the Zoning Ordinance or Zoning Map in relation to the land uses within a District or the boundaries of the District(s). Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the City.

- A. An amendment may be initiated by the Council, the Planning Commission or by the property owner.
- B. The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.
- C. The Planning Commission shall cause all property owners within 350' of the proposed Zoning District change to be notified by regular mail and shall publish a hearing notice for either a Zoning Ordinance change in the legal section of the official newspaper and if the proposed change is in shorelands, shall provide notice to the DNR postmarked at least ten (10) days ahead of the public hearing. The Planning Commission shall hold the hearing and make a recommendation to the City Council within sixty (60) days of the date of application. Adoption of a new zoning map shall require published notice only.

- D. The City Council shall review the recommendations and shall make a timely decision. An amendment requires a simple majority vote of the full Council to be enacted.
- E. The Planning Commission and City Council shall consider the criteria identified in Chapter II, Section 2.7 prior to deciding on any rezoning of land.
- F. The City Clerk shall publish a summary of the text of the change or description of boundary change or a new Zoning map whichever is appropriate in the official newspaper within one (1) week after action by the Council and shall send a copy to the DNR if the change affects shorelands.

#### 15.5 NOTICES

Notices for all public hearings required, as part of this notices shall include the legal description for the subject property, the description of the proposed action under consideration, the location, time and date for the public hearing. All notices shall be given in accordance with the requirements set forth in Minnesota Statutes. Failure to receive notice called for by this Ordinance shall not invalidate any action taken by the City so long as the City acted reasonably in its attempt to provide such notice.