

Section 10.02. **Definitions.** The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined. Additional definitions are provided in Section 10.16 "FP" Flood Plain Management District, Section 10.17 "S" Shoreland District and Section 10.24 Regulation of Signs.

1. **Accessory Building or Use.** A building or use reasonably related to, customarily incidental, appropriate and subordinate to the principal use of land or buildings and located on the same lot as the principal use.

Source: Ord. 646-2nd Series
Effective Date: 11/13/09

1.1 **Active Recreation.** Activities of a formal nature and often performed with others, requiring equipment and taking place at prescribed places and sites.

2. **Address Sign.** A sign communicating street address only, whether written or in numerical form.

3. **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."

4. **Adult Bookstore.** A business or establishment engaging in the barter, rental, or sale of items or merchandise consisting of printed matter, pictures, slides, records, audiotapes, videotapes, computer or video disks, motion picture film or any other similar materials, if such shop is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, and if a substantial significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

5. **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 performance, presentation, display, depiction or description of "specified sexual activities" or "specified anatomical area" and also means an erotic dance studio as in Section 4.33 of the City Code.

6. **Adult Companionship Establishment.** An establishment or business which excludes minors by reason of age or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment or business and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

7. **Adult Conversation/Rap Parlor.** A conversation/rap parlor which excludes minors by reason of age, 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."

8. **Adult Entertainment Facility.** A building or space in which an admission is charged for the entrance, or food or non-alcoholic beverages are being sold or intended for consumption, and in which may be observed live presentation or entertainment distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

9. **Adult Hotel or Motel.** Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented or provided in any form which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas.

10. **Adult Massage Parlor, Health/Sport Club.** A massage parlor or health/sport club which restricts minors by reason by age or law, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

11. **Adult Mini-Motion Picture Theater.** A business or establishment in an enclosed building with a capacity for less than 50 persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age or law, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

12. **Adult Modeling Studio.** An establishment or business whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual

stimulation or sexual gratification to such customers and 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.

13. **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 show images to five 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.

14. **Adult Motion Picture Theaters.** A business or establishment in an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age or law, and if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

15. **Adult Novelty Business.** A business which has as a principal activity the sale of material or devices which stimulate human genitals or devices which are designed for sexual stimulation or which depict or which relate to "specified sexual activities" or "specified anatomical areas."

16. **Adult Sauna/Steam Room/Bathhouse.** A business which excludes minors by reason of age, and which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or specified anatomical areas."

17. **Adult Uses and Sexually Oriented Business.** Adult uses and sexually oriented businesses include but are not limited to adult body painting studios, adult bookstores, adult cabarets, adult companionship establishments, adult conversation/rap parlors, adult entertainment facilities, adult establishments, adult massage parlor, health/sport clubs, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, adult saunas/steam rooms/bathhouses and businesses or places open to some or all members of the public at or in which

there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.

18. **Agriculture Uses.** Those uses commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in season of products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feed lots, and kennels.

19. **Alley.** A public right-of-way less than thirty (30) feet in width which affords a secondary access to abutting property.

20. **Apartment.** A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

21. **Aquifer Recharge Areas.** All land surface areas which by nature of their surface and/or subsurface soil characteristics are determined to contribute to the replenishment of subsurface water supplies.

22. **Area Identification Sign.** A free standing sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three (3) or more structures, shopping center consisting of five (5) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above, located on contiguous property.

23. **Artificial Obstruction.** Any obstruction which is not a natural obstruction (see obstruction).

23.1 **Assisted Living Facility.** A facility registered with the Minnesota Department of Health (DOH) where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management.

Source: Ord. 706-2nd Series
Effective Date: 10/13/14

24. **Automobile Repair - Major.** General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

25. **Automobile Repair - Minor.** Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding nine thousand (9,000) pounds gross weight, but not including any operation specified under "Automobile Repair - Major".

26. **Automobile Wrecking or Junk Yard.** Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other good, articles or merchandise.

27. **Banners and Pennants.** Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

28. **Basement.** A portion of a building located partially underground but having less than one-half (1/2) its floor to ceiling height below the average land grade.

29. **Bench Signs.** A sign which is affixed to a bench such as at a bus stop.

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

a. Part or all of the feature is located in a shoreland area;

b. The slope rises at least 25 feet above the ordinary high water level of the waterbody;

c. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and

d. The slope must drain toward the waterbody.

31. **Bluff Impact Zone.** A bluff and land located within 20 feet from the top of the bluff.

32. **Boarding (House) Home - Foster Children.** A family dwelling where children out of their own homes are cared for.

33. **Boarding House.** A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.

34. **Boathouse.** A structure used solely for the storage of boats or boating equipment.

35. **Buildable Area.** The portion of a lot remaining after wetlands, bluffs, land below ordinary high water level and required setback areas have been eliminated.

36. **Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

37. **Building Height.** A distance to be measured from the mean ground to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.

38. **Building Line.** The line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.

39. **Building Width.** The shortest horizontal distance of the smallest wall of a building as measured at right angles to its longest walls. Width measurements shall not take into account overhangs and other projections beyond the principal walls.

40. **Business.** Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

41. **Business Sign.** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premise where such sign is located.

42. **Canopy and Marquee Signs.** Any message or identification which is affixed to projection or extension of a building or structure, erected in such a manner as to provide a shelter or cover over the approach to any entrance of a store, building, or place of assembly.

43. **Carport.** A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open in three (3) sides.

44. **Cellar.** That portion of a building having more than one-half (1/2) of the floor to ceiling height below the average land grade.

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

46. **Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

47. **Clear-Cutting.** The removal of an entire stand of trees.

48. **Club or Lodge.** A club or lodge is a non-profit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

49. **Commercial, Agricultural.** The use of land for the growing and/or production of field crops, livestock and livestock products.

50. **Commercial Recreation.** Includes all uses such as, but not limited to, bowling alleys, roller and ice skating rinks, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

51. **Conditional Use.** A use, which because of special problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the municipal land use plan.

52. **Conditional Use Permit.** A permit issued by the Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

53. **Condominium.** A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Sections 515.01 to 515.19.

54. **Construction Sign.** A non-illuminated sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or other repair of a building (but not including any advertisement of any product) or announcing the character of the building enterprise, or the purpose for which the building is intended.

55. **Convenience Food Establishment.** An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

56. **Cooperative (Housing).** A multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

57. **Court.** An unoccupied open space other than a yard which is bounded on two (2) or more sides by the walls of the building.

58. **Crowding Potential.** The ratio of total acreage to shore miles.

59. **Day Care Facility.** Any facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult day care centers and day services.

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

61. **Department Store.** A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

62. **Deposition.** Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, floodplains or wetlands.

63. **Distinguished or Characterized by an Emphasis On.** Means the dominant or principal theme of the object described by such phrase.

64. **District.** A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

65. **Diversion.** A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

66. **Dog Kennel.** Any place where three (3) dogs or more over six (6) months of age are boarded, bred and/or offered for sale, except a veterinary clinic.

66.1 **Domestic Partnership.** A domestic partnership is a legal or personal relationship between individuals who live together and share a common domestic life but are not joined in a traditional marriage, a common law marriage, or a civil union.

67. **Draining.** The removal of surface water or groundwater from land.

68. **Dredging.** To enlarge or clean-out a waterbody, watercourse, or wetland.

69. **Drive-in Establishment.** An establishment which accommodates the patron's vehicle from which the occupants may receive a service or in which products purchased from the establishment are intended to be consumed while the vehicle is parked at the establishment and which establishment offers no or limited interior seating and/or service to accommodate its patrons. (Note: Does not include drive-through establishments, which offer both window or curb service as well as interior seating and/or service.)

70. **Dwelling.** A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, motels and boarding houses.

71. **Dwelling, Group Quarters.** A dwelling unit that houses not more than five (5) unrelated persons per unit and which complies with the design standards set forth in Section 10.23.

72. **Dwelling, Manufactured and Mobile Home.** A detached residential dwelling unit designed to be transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and included the plumbing, heating, air conditioning, and electrical systems contained herein; except that the term includes any structure which meets all requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under M.S. 327.31 thru M.S. 327.35. Such structures which do not comply with the design standards set forth in Section 10.03, Subd. 4H of this Ordinance shall be allowed only in the R-4 zoning district.

73. **Dwelling, Multiple (Apartment).** A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

74. **Dwelling, Single-Family.** A detached dwelling unit designed exclusively for occupancy by one (1) family including site built and manufactured homes which comply with the design standards set forth in Sec. 10.03, Subd. 4H of this Ordinance.

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

76. **Dwelling, Two-Family.** A dwelling exclusively for occupancy by two (2) families living independently of each other which comply with the design standards set forth in Sec. 10.03, Subd. 4I of this Ordinance.

77. **Dwelling Unit.** A residential building or portion thereof intended for occupancy by a family but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

78. **Efficiency Apartment.** A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.

79. **Elderly (Senior Citizen) Housing.** A public agency or privately owned or controlled multiple dwelling building with occupancy limited to persons over fifty-five (55) years of age.

80. **Encroachment Line.** The lateral limits or line drawn along each side and generally parallel to a stream or other body of water, which delineates the floodway and within which the flood-carrying capacity of the stream or other body of water is to be preserved. Its location, if along a stream, should be such that the floodway between them will effectively carry and discharge a flood not less than a regional flood.

81. **Equal Degree of Encroachment.** A method of determining the location of encroachment lines so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

82. **Essential Services.** The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

83. **Extractive Use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stat. Sections 93.44 to 93.51.

84. **Family.** An individual or two (2) or more persons related by blood, marriage, domestic partnership or adoption, including foster children and domestic staff employed on a full-time basis, living together as a permanent household. This definition of family is established for the purpose of preserving the character of residential neighborhoods by controlling population density, noise, disturbance and traffic congestion, and shall not be applied so as to prevent the City from making reasonable accommodation where the City determines it necessary to afford handicapped persons living together in a permanent household equal access to housing pursuant to the Federal Fair Housing Amendments Act of 1988.

85. **Farm.** A tract of land which is principally used for commercial agriculture, all of which is owned and operated by a single family, individual or corporation.

86. **Farm Dwelling.** A single family dwelling located on a farm which is used or intended for use by the owner, a relative of the owner, or a person employed thereon.

87. **Fence.** A barrier forming a boundary enclosing some area.

88. **Filling.** The act of depositing any rock, soil, gravel, sand, or other material so as to fill or partly fill a waterbody, watercourse, or wetland.

89. **Flashing Sign.** An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.

90. **Flood.** A temporary increase in the flow or state of a stream or in the stage of a lake that results in the inundation of ordinary drying area.

91. **Flood Frequency.** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded. By strict definition, such estimates are designated "exceedence frequency", but in practice the term "frequency" is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specified number of years.

92. **Flood Fringe.** That portion of the flood plain outside the floodway.

93. **Flood Plain.** The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

94. **Flood Profile.** A graph or longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.

95. **Flood Proofing.** Combination of structural provisions, changes, or adjustments to the properties and structures subject to flooding primarily for the reduction or delineation of flood damage.

96. **Floodway.** The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

97. **Floor Area.** The sum of the gross horizontal area of several stories of the building measured from the exterior faces of the exterior walls.

98. **Floor Area (livable).** The same as "floor area" defined above, except measured from the interior face of the interior walls excluding all areas occupied by cellars, garages, porches, unoccupied attics, stairways, basements, storage, utility, and heating rooms.

99. **Floor Area Ratio (FAR).** The floor of a building or buildings on that zoning lot divided by the area of such zoning lot, or, in the case of planned unit developments or group housing projects, by the gross site areas.

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

101. **Forestry.** The management, including logging of a forest, woodland, or plantation, and related research and educational activities, included in the construction, alteration or maintenance of wood roads, skid roads, landing fences.

102. **Garage-Private.** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on; provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.

103. **Garage-Public.** A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and which any sale of gasoline, oil and accessories is only incidental to the principal use.

104. **Governmental Sign.** A sign which is erected by a governmental unit for the purpose of identification and directing or guiding traffic.

105. **Grade (Adjacent Ground Elevation).** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

106. **Grading.** Changing the natural or existing topography of land.

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

108. **Guest Room.** A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

109. **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 the 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 an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

110. **Holiday Signs.** Signs or displays which contain or depict a message pertaining to a national or state holiday, and no other matter.

111. **Home Occupation.** Any occupation or profession carried on by a member of the family residing on the premise provided that the use clearly incidental as secondary to the use of the dwelling for dwelling purposes. (See Section 10.03, Subd. 9).

112. **Hotel.** Any building or portion thereof occupied as the more-or-less temporary abiding place of individuals and containing six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

113. **Housekeeping Unit.** A living unit located in a motel, motor hotel, or hotel which includes a kitchenette with a range hood vented to the outside.

114. **Identification Signs.** Signs in all district which identify the business or owner, or manager or resident and set forth the address of the premises where the sign is located and which contain no other material.

115. **Illuminated Sign.** Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

116. **Impervious Surface.** An artificial or natural surface through which water, air, or roots can not penetrate.

117. **Individual Property Sale or Rental Signs.** Any on-premise sign announcing the name of the owner, manager, Realtor, or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered.

118. **Industrial Use.** A permitted, accessory or conditional use allowed in the "I" Industrial District.

119. **Informational/Directional Sign.** Any sign giving information to employees, visitors, or delivery vehicles, but containing no advertising. May include name of business but must predominantly represent a directional or informational message.

120. **Institutional Sign.** A sign or bulletin board which identifies the name and other characteristics of a public, semi-public, or private institution on the site where the sign is located. Institutions shall include churches, hospitals, nursing homes, schools, and other non-profit and charitable organizations.

121. **Integral Signs.** Names of buildings, date of construction, commemorative tablets and the like, which are of a permanent type of construction and which are an integral part of the building or the structure.

122. **Intensive Vegetative Clearing.** The complete removal of trees or shrubs in a continuous patch, strip, row or block.

123. **Intermittent.** A stream or portion of a stream that flows only in direct response to precipitation.

124. **Licensed Child Care or Day Care Facility.** A business or facility holding a license pursuant to Minnesota Statutes, Chapter 245 A, as amended, and/or Minnesota Rules Chapter 9502 or 9503, as amended.

125. **Lodging House.** A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.

126. **Lodging Room.** A room rented as sleeping and living quarters but without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one (1) lodging room.

127. **Lot.** Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this zoning regulation, having not less than the minimum area required by this Zoning Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street, or a proposed street approved by the Council.

128. **Lot (Of Record).** A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance, or approved by the City as a lot subsequent to such date and is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the Council.

129. **Lot Area.** The area of a horizontal plane within the lot lines.

130. **Lot, Corner.** A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

131. **Lot, Depth.** The shortest horizontal distance between the front lot line and the rear lot line, measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

132. **Lot, Frontage.** The front of a lot shall be, for purposes of complying with this Ordinance, that boundary, abutting a public right-of-way, having the least width.

133. **Lot, Interior.** A lot, other than a corner lot, including through lots.

134. **Lot, Line.** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

135. **Lot, Through.** A lot fronting on two parallel streets.

136. **Lot, Width.** The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.

137. **Manufacturing/Heavy.** The manufacturing, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive effluents beyond the lot of which the use is located.

138. **Marquee-Canopy.** A permanent roofed structure attached to and supported by the building and projecting over public property.

139. **Medical and Dental Clinic.** A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

140. **Mining Operations.** The removal from the land of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other materials for commercial, industrial or governmental purposes.

141. **Minor.** Any person under the age of eighteen (18) years.

142. **Mobile Home, Independent.** A mobile home which is constructed to utilize a public water and sewer system, an external source for heating and shall be equipped with a stool, shower or tub, and laundry facilities.

143. **Mobile Home Park, Dependent.** An approved Mobile Home Park which has underground utility service to each site and also restroom and washing facilities as specified by the State of Minnesota.

144. **Mobile Home Park, Independent.** An approved Mobile Home Park which has underground utility service to each site and only permits independent mobile homes.

145. **Motel/Motor Hotel.** A building or group of detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

146. **Motion Sign.** Any sign which revolves, rotates, has any moving parts, or gives the illusion of motion.

147. **Motor Fuel Station.** A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

148. **Motor Freight Terminal (Truck Terminal).** A building in which freight brought by motor truck is assembled and sorted for routing in intra-state and interstate shipment.

149. **Name Plate.** A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

150. **Natural Drainage System.** All land surface areas which by nature of their contour configuration, collect, store, and channel surface water run-off.

151. **Natural Obstruction.** Means any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.

152. **Non-Conforming Structure or Use.** Any structure or use which on the effective date of this Ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this Ordinance.

153. **Normal High Water Mark.** A continuous mark of reference at an elevation where land and water meet for some period of record; is commonly that point where the vegetation changes from predominantly aquatic to predominantly terrestrial.

154. **Nursing Home (Rest Home).** A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.

155. **Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment projection, excavation, channel modification, culvert, building, wire, fence, stock pile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, lake, depression, wetland, water course, or regulatory flood plain which may impede, retard, or change the direction of

the flow of water, or reduce the amount of flood water storage either in itself or by catching or collecting debris carried by such water.

156. **Off-Street Loading Space.** A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

157. **On-Premise Sign.** A sign located on the premise or property of an individual, business or organization when the sale or lease of the premise or the identification, products or services of the individual, business or organization are the subject of the sign.

158. **Open Sales Lot.** Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

158.1 **Open Space.** An area of land or water set aside, or reserved for use by residents of the development. An expanse of lawn, trees, plants, and other natural areas. Any landscaped area of the site including: required yards, setbacks and walkways. Open space does not include parking, driveways, or buildings used for dwelling purposes.

159. **Open Space Recreation Uses.** Recreational use particularly oriented to and utilizing the character of the area, including hiking and riding trails, primitive camp sites, campgrounds, way-side rests, parks, and recreational areas.

160. **Ordinary High Water Level.** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the band of channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

161. **Out-Patient Care.** Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

162. **Parapet.** A low wall which is located perpendicular to (extension of front wall) a roof of a building.

163. **Parking Ramp.** An accessory structure designed and used for the storage of motor vehicles at, below and/or above grade.

164. **Parking Space.** An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

164.1 **Passive Recreation.** Activities that involve inactive or less energetic activities, such as walking, sitting and picnicking, etc. These activities have less potential impact on surrounding land uses.

165. **Permitted Use.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

166. **Person.** An individual, firm, partnership, association, corporation, or organization of any kind.

167. **Place of Worship.** A building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.

168. **Planned Unit Development.** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. (See Section 10.21.)

169. **Planning Commission.** The Planning Commission of the City of Alexandria, Minnesota.

170. **Political Campaign Signs.** Signs or posters announcing the candidate(s) seeking political office and/or political issues, and data pertinent thereto.

171. **Portable Sign.** A sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device, or structure.

172. **Principal Use.** The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

173. **Projecting Sign.** A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.

174. **Protected Waters.** Any waters of the State as defined in Minn. Stat. Section 105.37, Subd. 14, including any lake, pond or floodage of ten (10) or more acres in size and any river or stream having a total drainage area of two (2) or more square miles in size.

175. **Public Library.** Any library open to the public organized pursuant to Minnesota Statutes, Chapter 134, as amended.

176. **Public Park.** A park, playground, beach, or recreation or community center in the City owned or leased or used wholly or in part by the City, county, state, school district, or federal government for recreation purposes.

177. **Public Sign.** Signs of a public, non-commercial nature, to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.

178. **Public Uses.** Uses owned or operated by municipal, school districts, county, state, or other governmental units.

179. **Public Waters.** Any waters as defined in Minn. Stat. Section 103G.005, Subdivisions 14 and 15 and limited to:

a. All water basins assigned to shoreland management classification by the commissioner pursuant to Section 105.485, except wetlands less than 80 acres in size which are classified as natural environment lakes.

b. All waters of the state which have been finally determined to be public water or navigable waters by a court of competent jurisdiction.

c. All meandered lakes, except for those which have been legally drained.

d. All water basins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws.

e. All water basins designated as scientific and natural areas pursuant to Section 84.033.

f. All water basins located within and totally surrounded by publicly owned lands.

g. All water basins where the State of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purpose of public ownership.

h. All water basins where there is a publicly owned and controlled access which is intended to provide for public access to the water basin; and

i. All natural and altered-natural watercourses with a total drainage area greater than two square miles, except that trout streams officially designated by the commissioner shall be public waters regardless of the size of their drainage area.

j. All types 3, 4 and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 29 (1971 edition), not included within the definition of public water, which are ten or more acres in size in unincorporated area or 2½ or more acres in incorporated area.

180. **Reach.** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

181. **Real Estate Development Sign.** A business sign placed on premises of a subdivision or other real estate development.

182. **Real Estate Sign.** A business sign placed upon a property advertising that particular property for sale, for rent, for lease, or sold.

183. **Recreation, Field, or Building.** An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Ordinance.

183.1. **Recreation Space.** A centrally located place designed and equipped for the conduct of sports, informal recreation and/or leisure time activities. It provides areas for aerobic exercises, game courts, swimming, etc. The number and type of spaces should be chosen to anticipate tenant mix. Both active and passive recreation activities can be considered recreation space.

184. **Recreational Camping Area.** Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of recreational camping vehicles free of charge or for compensation.

185. **Recreational Equipment.** Items that are used off the road including but not limited to boats, canoes, and snowmobiles.

186. **Recreational Vehicle.** A vehicle or portable structure used in amusement, vacation, or recreational activities including but not limited to travel trailers, motor homes, camping trailers, snowmobiles, boats, bicycles and motorcycles.

187. **Regional Flood.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.

188. **Regulatory Flood Protection Elevation.** The regulatory flood protection elevation shall be the elevation of no lower than 1 foot above the elevation of the regional flood.

189. **Residential Facility.** Any facility, public or private, which for gain or otherwise provides one or more persons with a 24 hour per day substitute for care, food, lodging, training, education, supervision, habitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's home. Residential 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 school for handicapped children.

190. **Restaurant.** An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths with the building.

191. **Roof Line.** Is defined as the top of the coping; or, when the building has a pitched roof, as the intersection of the outside wall with the roof.

192. **School.** An elementary, middle or secondary school as defined in Minn. Stat. §120A.05, as amended, or a nonpublic school or nonsectarian nonpublic school as defined in Minn. Stat. §123B41, Subd. 9 and Subd. 10, as amended.

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

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

195. **Shopping Center.** An integrated grouping of commercial stores, under single ownership or control.

196. **Shore Impact Zone.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

197. **Shoreland.** Land located within the following distances from public waters; 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain 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 waters for lesser distances and when approved by the Commissioner.

198. **Sign.** The use of any words, numerals, figures, devices, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

199. **Sign Area.** That area within the marginal lines created by the sign surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building, which is included in the smallest geometric figure which can be made to circumscribe the message, figure or symbol displayed thereon.

200. **Sign Structure.** The supports, foundations, uprights, bracing and framework for a sign, including the sign area.

201. **Significant Historic Site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

202. **Slope.** Means the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

203. **Specified Anatomical Areas.**

a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a

point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

204. Specified Sexual Activities.

a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

b. Clearly depicted human genitals in the state of sexual stimulation; arousal or tumescence; or

c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or

e. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or

f. Erotic or lewd touching, fondling or other sexually-oriented contact with any animal by a human being; or

g. Human excretion, urination, menstruation, vaginal or anal irrigation.

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

that are not bluffs.

206. **Story.** That portion of a building included beneath the upper surface of a floor and upper surface of floor next above, except that the top-most story shall be that portion of the building included between the upper surface and the top-most floor and ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered as a story. For the purposes of this section, every twelve (12) feet of vertical elevation above grade shall be considered a story.

207. **Street Frontage.** The proximity of a parcel of land to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.

208. **Structures.** Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

209. **Substandard Use.** Any use existing prior to the date of this Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length or water frontage, structure setbacks, or other dimensional standards of this Ordinance.

210. **Surface Water-Oriented Commercial Use.** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

211. **Surface Waters - General Development (GD).** Those waters whose shores are presently characterized by industrial or commercial or high density residential development.

212. **Surface Waters - Recreational Development (RD).** Those waters characterized by medium density residential development with or without limited service-oriented commercial development.

213. **Surface Waters - Natural Environment (NE).** Those waters whose shores are presently characterized by low density, single-family residential development.

214. **Temporary Sign.** Any sign which is erected or displayed for a specified period of time.

215. **Toe of the Bluff.** The lower point of a 50-foot segment with an average slope exceeding 18 percent.

216. **Top of the Bluff.** The higher point of a 50-foot segment with an average slope exceeding 18 percent.

217. **Townhomes/Townhouses.** Structures housing one (1) or more dwelling units of not more than two (2) stories each and either detached or contiguous to each other only by sharing of one (1) common wall, such structures to be of the town or row house type as contrasted to multiple dwelling structures. No single contiguously connected structure shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances, separate utilities and property description/parcel identification.

218. **Upland.** Means all lands at an elevation above the normal high water mark.

219. **Use.** The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.

220. **Useable Open Space.** A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveway and parking areas shall not constitute useable open space.

221. **Used Auto Parts.** The processing, storage, and sale of second hand or used automobile or other vehicle parts provided such use is established entirely within enclosed buildings.

222. **Variance.** A waiver from the literal provisions of the Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the Ordinance.

223. **Vegetation.** Means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

224. **Wall Graphics.** A sign which is painted directly on an exterior wall surface.

225. **Wall Letters.** A sign composed of individual letters which are attached separately on a wall surface.

226. **Wall Sign.** A sign which is affixed to the exterior wall of a building. A wall sign does not project more than eighteen (18) inches from the surface to which it is attached, nor extend beyond top of parapet wall.

227. **Waste Transfer Station.** An intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another facility.

228. **Waterbody.** Means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

229. **Watercourse.** Means a channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year-around or intermittently.

230. **Water-Oriented Accessory Structure or Facility.** A small, aboveground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boat houses, gazebos, screen houses, fish houses, pump houses, and detached decks.

231. **Watershed.** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

232. **Wetland.** A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

233. **Wildlife.** All free living animals.

234. **Yard.** An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

235. **Yard, Front.** A yard extending across the front of the lot between the side lines of the lot and lying between the front line of the lot and the nearest line of the building. (See also "Lot, Frontage".)

236. **Yard, Rear.** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building, except on a corner lot where the street-side side yard shall extend to the rear lot line. (See also, "Yard, Side".)

237. **Yard, Side.** A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard line of the lot to the rear yard, except on a street-side side yard, where the side yard shall extend from the front yard line to the rear lot line.

238. **Zoning Administrator.** A person appointed by the City Council to enforce the Zoning Ordinance.

239. **Zoning Map.** The map or maps incorporated into this Ordinance as part thereof, and as amended, designating the zoning districts.

Source: Ord. 586-2nd Series
Effective Date: 8/14/06

240. **Pollinator Habitat.** Flowering and non-flowering plants, including both native and non-native species, that provide pollen- and nectar-rich forage resources for butterflies, bees, and other insects, including bunch grasses at not more than 50% of the plant mix., and to exclude any noxious vegetation as provided in Section 9.55, Subd.1.F of this Code.

Source: Ord. 780-2nd Series
Effective Date: 12-26-17