

## CHAPTER 74. ZONING\*

### ARTICLE I.      In General

#### **Section 74-1.**      **Intent and purpose.**

The intent of this chapter is to protect the public health, safety and general welfare of the City and its people through the establishment of minimum regulations governing land development and use. This chapter shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent the overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this chapter, to provide for amendments; to prescribe penalties for violation of such regulations; to define powers and duties of the City Council, the board of adjustment and appeals, and the planning commission, in relation to this chapter.

#### **Section 74-2.**      **Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Abutting* means making contact with or separated only by public thoroughfare, railroad, or public utility right-of-way.

*Accessory building* means a subordinate building, or a portion of the main building which is located on the same lot or parcel as the main building and the use of which is clearly incidental to that of the main building or to the use of the premises.

*Accessory use or structure* means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

*Addition* means an extension or increase in floor area or height of a building or structure.

*Address sign* means a sign communicating street address only, whether written or in numerical form.

*Advertising signs* means a sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

*Alley* means a public right-of-way 33 feet or less in width, affording a secondary means of access to abutting property.

*Animals domestic pets* means dogs, cats, birds, and other commonly known house pets.

*Apartment* means a room or suite of rooms rented, leased, or similar tenancy, with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.

*Apartment building* means three or more dwelling units or apartments grouped in one building with a common entryway.

*Automobile car wash* means a building, or portion thereof, containing facilities for washing more than two automobiles, using production line methods, including, but not limited to, steam cleaning device or other mechanical devices.

*Automobile repair* means general repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall pointing or paint job; vehicle steam cleaning; upholstery.

*Automobile service station* means a place where gasoline, stored only in underground tanks; kerosene; motor oil and lubricants for operation of automobiles, are related directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

*Automobile wrecking or junk yard* means any place where two 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 goods, articles or merchandise.

*Awning* and *canopy* mean a structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be fixed, raised, or retracted to a position against the building.

*Basement* means a portion of a building partially underground but having less than half its floor to ceiling height below the average grade of the adjoining ground. Each room or area in a basement shall be at least 7½ feet from floor to ceiling.

*Block* means all property abutting one side of a street between the two nearest intersecting streets or other natural or manmade barriers.

*Boarder and/or roomer* mean a person who regularly receives room and/or meals at another's home for pay or services.

*Boardinghouse (room or lodging house)* means a building or dwelling unit other than a motel or hotel, where, for compensation and by prearrangement, meals, and/or lodgings are provided for three or more persons not to exceed 25 persons or such arrangements covers a minimum period of seven consecutive days.

*Boathouse* means a structure used solely for the storage of boats or boating equipment, and not used for habitation.

*Brewery, Micro* is a facility with a capacity to manufacture less than 15,000 barrels of alcoholic and nonalcoholic malt liquor a year. This definition does not include a brewpub.

*Brewery, National* is a facility with a capacity to manufacture over 250,000 barrels of alcoholic and nonalcoholic malt liquor a year. This definition does not include a brewpub.

*Brewery, Regional* is a facility with a capacity to manufacture between 15,000 and 249,999 barrels of alcoholic and nonalcoholic malt liquor a year. This definition does not include a brewpub.

*Brewpub* is a small brewery operated in conjunction with a bar or restaurant provided the beer is sold for consumption on the premises and not sold to other bars, restaurants or

wholesalers, except that an establishment licensed under Minn. Stat. §304A.301, subd. 6(d) may sell “growlers” off-sale with appropriate City license.

*Broadcasting antenna, radio and television* means commercial, public or private broadcasting towers exceeding the district height limitations, or more than one tower of any height located on the same lot or parcel.

*Buffer* means the use of land, topography, difference in elevation space, fences, or landscape planting to screen or partially screen a use or property from another use or property, and thus reduce undesirable influences, such as site, glare, noise, dust, and other external affects.

*Buildable area* means the space remaining on a lot after the minimum setback, drainage provisions, ponding, compensatory storage, soils, open space and other site constraint requirements of this chapter have been met.

*Building* means any structure having a roof which may provide shelter, support, protection, or enclosure of persons, animals, or property of any kind, and when such structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

*Building height* means the vertical distance to be measured from the grade of the building line to the top, to the cornice of a flat roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the average distance between the ridge and the eave of the highest gable on a pitched or hip roof.

*Building line* means an imaginary line separating buildable area and the required yards as defined in this section.

*Building line, shore land* means a line measured across the width of the lot where the main structure is placed in accordance with setback provisions from the ordinary high water mark, as designated by the state department of natural resources.

*Building setback* means the minimum horizontal distance between the building and lot line or the normal high water mark, as designated by the department of natural resources.

*Business* means any occupation, employment or enterprise, wherein merchandise is exhibited or sold, or where services are offered for compensation.

*Carport* means an automobile shelter having one or more sides open.

*Cellar* means that portion of a building having more than one-half of the floor to ceiling height below the average grade of the adjoining ground. Each room or area in a cellar shall be at least 7½ feet from floor to ceiling.

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

*Church* means 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.

*Clear cutting* means the removal of an entire stand of trees.

*Club or lodge* means a nonprofit association of persons who are bonafide 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.

*Cluster housing* means the development pattern and technique whereby structures are arranged in closely related groupings to make the most efficient use of natural amenities of the land.

*Commercial use* means activity involving the sale of goods or services carried out for profit.

*Compost facility* means a site or facility for the controlled microbial degradation of leaves and/or grass clippings to yield a humus-like soil conditioner product.

*Comprehensive plan* means a computation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development, both public and private, as defined in the state municipal planning act, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

*Conditional use* means a use classified as conditional generally may be appropriate or desirable in a specific zone, but requires approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

*Condominium* means a form of individual ownership within a building which may entail joint ownership and responsibility for maintenance and repairs of the land and other common property of the building.

*Corner lot* means a lot situated at the junction of and fronting on two or more streets.

*Covenant* means a contract between two individuals which constitutes a restriction of a particular parcel of land.

*Decorative masonry* means individual units lain in and bound together by mortar, a masonry veneer, like brick masonry that is primarily decorative, not structural. Decorative masonry may include rock-faced concrete block, but not smooth surface concrete block.

*Demolition debris* means solid waste resulting from the demolition of buildings, roads, and other structures including, but not limited to concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts.

*Demolition debris land disposal facility* means a site used to dispose of demolition debris.

*Density* means a number expressing the relationship of the number of dwellings to an acre of land.

*Disposal facility* means a waste facility that is designed or operated for the purpose of ultimate and complete disposal of waste on or in the land.

*Distilled spirits* means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use.

*District* means a section of the City for which the regulations governing the height, area, use of buildings and premises are the same.

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

*Draining* means the removal of surface water or groundwater from land.

*Dredging* means to enlarge or clean out a water body, watercourse or wetland.

*Drive-in* means any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether the service is provided within the building.

*Dwelling unit* means a residential building or portion thereof intended for occupancy by a single family.

*Easement* means a grant by a property owner for use of a strip of land by the public or any person for any specific purpose or purposes of construction and maintaining utilities, including, but not exclusive of the following: sanitary sewers, water mains, electric lines, telephone lines, other transmission lines, storm sewer, storm drainage ways, gas lines, other service utilities, etc.

*Electronic Cigarette/Vaporizer Shop* means a retail establishment that derives more than 50 percent (50%) of its gross revenue from the sale of any product, or any component part of a product, whether or not marketed or sold separately, containing or delivering, or designed to deliver, nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product.

*Energy recovery facility* means a facility used to capture the heat value of solid waste for conversion to steam, electricity, or immediate heat by direct combustion or by first converting it into an intermediate fuel product.

*Essential services* means underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal system including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.

*Family* means an individual or a group of two or more persons each related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit, or a group of not more than four persons not so related, maintaining a common household, and using common cooking and kitchen facilities.

*Fence* means any partition, structure, wall, or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard.

*Floor area* means the area included within the surrounding exterior walls of a building or portion thereof, including the sum of the gross horizontal areas of several floors of a building including interior balconies, mezzanines, basements, and attached buildings, exclusive of vent shafts, courts, utility rooms, stairs, escalators, or the like.

*Floor area ratio* means the numerical value obtained through dividing the gross floor area of a building or buildings by the lot area on which such building or buildings are located.

*Frontage* means the boundary of a lot which abuts an existing or dedicated public street.

*Garage* means an attached or detached accessory building that is designed primarily for parking and storage of vehicles.

*Garage, public* means any premises, except those described as a private garage, used for the storage or care of power driven vehicles or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

*Garage, repair* means a building or space for the repair or maintenance of vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

*Gasoline service station* means any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils, or lubricants. When the use is incidental to the conduct of a public garage, the premise is classified as a public garage.

*General floodplain districts* means those areas designated as unnumbered A Zones on the flood insurance rate map.

*Grade (adjacent ground elevation)* means 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 feet from the building, between the building and a line five feet from the building.

*Grading* means changing the natural or existing topography of land.

*Greenbelt* means a planned barrier consisting of dense vegetation used for the purpose of separation and screening of land uses.

*High water level* means the high water elevation reached by the 1965 flood and set forth on the attached floodplain map.

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

*Home occupation* means any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and does not utilize more than 25 percent of the building's gross floor area.

*Hotel* means any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in an individual room or apartment.

*House trailer* means a vehicle, used or capable of being used for sleeping or living quarters for one or more persons, having no foundation other than wheels or jacks and propelled by its own or by another power-driven vehicle to which it may be attached.

*Impervious Surface* means an artificial or natural surface through which water, air or roots cannot penetrate.

*Industrial solid waste* means all solid waste generated from an industrial or manufacturing process and solid waste generated from nonmanufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

*Industrial solid waste land disposal facility* means a site used to dispose of industrial solid waste in or on the land.

*Initiation of Construction.* The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings, or any work beyond the state of excavation, grading or demolition, including the relocation of a structure. "Initiation of Construction" does not include the installation of streets, walkways, sidewalks, or parking lots; the excavation for a basement, footings, piers, or foundations; or the installation on the property of temporary buildings, such as garages, sheds, or trailers.

*Junk* means, but is not limited to, old or scrap signs, copper, brass, rope, rags, batteries, rubber debris, waste, or junked, dismantled appliances or parts thereof, or wrecked automobiles, farm, or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material which is stored, disassembled or sold without being processed for recycling.

*Junk Vehicle* means any motor vehicle, part of a motor vehicle, or former vehicle stored which is (1) unusable or inoperable because of lack of or defects in component parts; (2) damage from collision, deterioration, or otherwise; (3) beyond repair, and, therefore, not intended for future use as a motor vehicle; (4) being retained on the property for possible use of salvageable parts; or (5) is not properly and currently licensed for operation.

*Junkyard* means an establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, disassembly, keeping, buying, or selling unprocessed junk or storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles for the purpose of selling used motor vehicle parts. Junkyard does not include a metal recycling facility.

*Lot* means land occupied or to be occupied by one principal building or use and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area required by this chapter 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 City Council.

*Lot area* means the land area within the lot lines.

*Lot depth* means the minimum horizontal distance between the front lot line and the rear lot line of a lot.

*Lot, double frontage* means an interior lot having frontage on two streets.

*Lot, frontage* means the front of a lot shall be that boundary abutting a public right-of-way.

*Lot, interior* means a lot other than a corner lot.

*Lot, through* means a lot fronting on two parallel streets.

*Lot line* means a lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed right-of-way, the line of such public right-of-way shall be the lot line.

*Lot line, front* means that boundary of a lot which abuts an existing or dedicated public street. In no case shall there be more than two front lot lines applied to any lot. Any other lines abutting a public right-of-way shall be designated by the zoning administrator as either a side or rear lot line.

*Lot line, rear* means that boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from, the front lot line.

*Lot line, side* means any boundary of a lot which is not a front lot line or a rear lot line.

*Lot of record* means any lot which is one unit of a plat duly approved and filed, or one unit of an auditor's subdivision or a registered land survey, that has been recorded in the office of the county recorder prior to January 18, 1965.

*Lot width* means the maximum horizontal distance between the side lot lines of a lot measured on or within the front yard setback requirements.

*Marquee* means a permanent roof-like structure extending from part of the wall of a building but not supported by the ground, and constructed of durable material such as metal or glass.

*Mean flow level* means the average flow elevation of a stream or river computed as the midpoint between extreme low and extreme high water.

*Medical uses* means those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals, dental services, medical services, or clinic, nursing or convalescent home, orphan homes, rest home, sanitarium.

*Merchandising services* means the installation and setup of displays, signs, fixtures, cabinets, checkout, etc. that need to be installed in a retail environment. It may also include merchandising, stocking, retail surveys, point of sale integrity, space management analysis, consulting, retail plans, and label development.

*Metal recycling facility* means a facility at which recyclable materials are received and prepared or processed into a substantially different form and separated into the base component metals from which it is composed with the resulting metal product being shipped directly to consumers to be melted and made into new metal.

*Metes and bonds description* means a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of the section, lot or area by described lines or portions thereof.

*Microdistillery* means a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

*Mining* means the extraction of sand, gravel, rock, soil or other material from the land in the amount of 1,000 cubic yards or more and the removal thereof from the site. For the purpose of this chapter, mining shall not include: the removal of materials associated with

the construction of a building, the removal of excess materials in accordance with approved plats or utility and highway construction, minor agricultural and sod removal except as further regulated in this chapter.

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

*Mixed municipal recyclable materials* means materials that are separated from mixed municipal solid waste for the purpose of recycling, including items such as paper, glass, plastics, automobile oil and batteries. Refuse derived fuel, material destroyed by incineration or junk as defined by this chapter are not recyclable materials.

*Mixed municipal recycling facility* means a facility at which recyclable materials separated from mixed municipal solid waste are prepared for reuse in their original form or for use in manufacturing process that do not cause the destruction of the materials in a manner that precludes further use.

*Mixed municipal solid waste* means garbage, refuse and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection. Mixed municipal solid waste does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams.

*Mobile homes, trailer coach, trailer or automobile trailer* means any vehicle or structure designed and constructed in such a manner as will permit occupancy thereof as a dwelling, or sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade for use as a selling or advertising device, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or City streets, propelled or drawn by its own or other motive power, or it may be a structure as designed and constructed in such a manner that it can be transported in one or several segments by some other means other than its own power, excepting a device used exclusively upon stationary rails or tracks.

*Mobile home park* means any park, trailer park, trailer court, trailer camp, trailer camp site, court, lot, parcel or track of land designed, maintained or intended for the purpose of supplying a location or accommodations for any mobile home coach or mobile home coaches and upon which any mobile home coach or mobile home coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof, whether a change is made for the use of the mobile home park and its facilities or not. "Mobile home park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

*Mobile home stand* means that part of an individual lot which has been reserved for the placement of a mobile home.

*Mobile home unit* means a section of ground in a mobile home park of not less than 5,000 square feet of unoccupied space in an area designed as the location for one mobile home, off-street parking space for two automobiles and other uses considered pertinent to the establishment and use of a mobile home residence as permitted by this chapter.

*Motel* means a building or groups of buildings used primarily for the temporary residence of motorists or travelers.

*Multiple residence* means three or more dwelling units in one structure.

*Municipal water and sewer systems* means utility systems serving a group of buildings, lots, or an area of the city, with the design and construction of such utility systems as approved by the director of public works.

*Natural drainage system* means all land surface areas which by nature of their contour configuration, collect, store, and channel surface water run-off.

*Natural obstruction* means any rock, tree, gravel or analogous material matter that is an obstruction and has been located within a water body, watercourse, or wetland by a nonhuman cause.

*Noise* means one, or a group of, loud, harsh non-harmonious sounds or vibrations that are present and irritating to the ear.

*Noise, ambient* means that all encompassing sounds associated with a given environment, which may be either a composite of sounds, transmitted by any means from many sources near and far or from a single-predominant source.

*Noxious* means matter which is capable of causing injury or is in any way harmful to living organisms, or is capable of causing detrimental effect upon the health, the physiological and social or economic well-being of human beings.

*Nuisance* is as defined in Chapter 38, Article II, 38-30 through 38-32.

*Nursing home, rest home or convalescent home* mean a building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder, but not containing equipment for surgical care or for treatment of disease or injury. A nursing home shall be licensed by the state board of health, as provided for in Minn. Stats. § 144.50.

*Off-street loading space* means 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 truck of the type typically used in the particular business.

*Open sales lot* means land devoted to the display of goods for sale, rent, lease, advertising, merchandising, or trade where such goods are not enclosed within a building, including, but not limited to, flea markets.

*Open space* means any open area not covered by structures or parking.

*Open space, common* means a parcel or parcels of land or an area of water not required for storage of the regional flood or a combination of such land and water area within the site designated for private open space for the sole benefit, use and enjoyment of the homeowners within a planned unit development or similar developments associated with common open space area.

*Open space, private* means any open space owned by a person or persons.

*Open space, public* means any open space publicly owned.

*Open storage* means storage of any material outside of the building and/or structure.

*Orientation* means the placement of a structure on its lot with regard to other structures, natural elements such as sun, window and impacts from noise, glare, and similar adverse elements.

*Ordinary high water level* means 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 shall be the elevation of the top of the bank of the channel. For reservoirs and flowages the ordinary high water level shall be the operating elevation of the normal summer pool.

*Outdoor activities* means outdoor activities such as loading and unloading from a vehicle to a commercial, manufacturing or processing use. Outdoor activities do not include an individual person(s) accessing individual mini-storage units.

*Outdoor storage* means the keeping of any goods, material, merchandise, or vehicles in the same location for more than seven (7) consecutive days outside of a building and/or structure. This includes storage yards for contractors, equipment, lumber, landscaping materials, construction materials and shipping materials.

*Parking ramp* means an accessory structure or use for the storage of motor vehicles at, below and/or above grade.

*Parking space* means an area of not less than 8½ feet in width and 20 feet in length, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

*Party wall* means a common wall which divides two independent structures.

*Pedestrian way* means a public or private right-of-way across or within a block, to be used by pedestrians.

*Performance standards* means criteria established to control environmental conditions such as, but not limited to, odor, smoke, toxic or noxious matter, vibrations, fire and explosive hazard, glare, runoff generated by or inherent in use of land or building.

*Permitted use* means 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.

*Place of worship* means a church, synagogue, temple, mosque, or other facility that is used for prayer by person of similar beliefs; a special-purpose building that is architectural designed and particularly adapted for the primary use of conducting formal religious services on a regular basis

*Plan, comprehensive* means a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency's recommendations for the future development of the community.

*Plan, concept* means a report in map and text form submitted as the first step of a planning unit development (PUD) proposal, depicting the location, general purpose, general type of land use, and circulation pattern, primary relationship between site elements and between the proposed development and surrounding development, proposed general schedule of development and information on the proposed developer.

*Plan, site* means a map or graphics prepared to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of the structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, existing and proposed grading, walkways, and other site development information as related to a proposed development.

*Planned unit development* means a development, having two or more principal uses or structures on a single tract or tracts of land, developed according to a plan approved by the city, under single ownership or unified control. A planned unit development allows for flexibility not available under normal zoning district requirements. A planned unit development may include a combination of land uses.

*Planning Commission* means the duly appointed planning advisory group with duties as defined by Minnesota Statutes and the Anoka City Council.

*Plaza* means an open space that may be improved or landscaped, used for public purposes such as outdoor seating, outdoor gathering areas or landscaped courtyard, usually surrounded by streets and buildings and is not used for outdoor sales, storage or for a parking space or drive lane.

*Practical difficulties* means that the property owner proposes to use the property in a reasonable manner not permitted by this ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also include access to direct sunlight for solar energy systems.

*Plat* means a map, graphics or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is a recorded legal document and must conform to all state laws.

*Prefabricated home* means a non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

*Principal structure or use* means one which determines the predominant use as contrasted to accessory use or structure.

*Principal use* means the primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.

*Property line* means the legal boundaries of a parcel of property which may also coincide with the right-of-way of a road, cartway and the like.

*Public building* means a building owned and operated by the City including but not limited to, fire stations, wells, City hall, public works, senior citizen facility and police facilities.

*Public façade* means side(s) of a building that is visible from and within two-hundred feet (200') of a public street, rail line, public park, public plaza or other public open space.

*Public land* means land owned or operated by municipalities, school district, county, state, or other governmental unit.

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

*Public waters* means any waters of the State which serve a beneficial public purpose, as defined in Minn. Stats. § 103F.511, subd. 8. However, no lake, pond, or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles need be regulated by the municipality for the purposes of these regulations. A body of water created by a private user where there was no previous shore land, as defined in this section, for a designated private use authorized by the commissioner and the state department of natural resources shall be exempt from the provisions of these regulations.

*Quadhome* means a four unit multiple residence building with private entrances to each unit.

*Reclamation, land* means the improvement of land by the depositing of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.

*Registered land survey* means a survey map of registered land designed to simplify a complicated metes and bounds description designating the land description into tract or tracts of registered land survey number.

*Religious use* means a structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

*Residence* means a building used exclusively as a home, except for accessory uses.

*Riparian lot* means a lot which has a front, rear, or sideline contiguous to or below the ordinary high water level of a river. Such line shall be the front lot line.

*Road* means a public right-of-way affording primary access by pedestrians in vehicles to abutting property whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place, or however otherwise designated. Egress and ingress easements shall not be considered roads.

*Selective cutting* means the removal of single scattered trees.

*Shore Impact zone* means land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent (50%) of the required structure setback or 50 feet (50') landward of the ordinary high water level in areas of agricultural use.

*Shore land* means land located within the following distances from public water; (i) 1,000 feet from the normal high water mark of a lake, pond, or flowage; or (2) 300 feet from a river or stream or floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shore lands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances. Public waters shall be any existing body of water, wetland, drainage way as designated by the state department of natural resources.

*Shore land alteration* means grading and filling in shore land areas or any alteration of the natural topography where the slope of the land is towards a public water or water course leading to a public water.

*Shore land setback* means the minimum horizontal distance between the structure and the normal high water mark.

*Single-family dwelling.* See "Dwelling, one-family."

*Solid waste* means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

*Solid waste land disposal facility* means a facility used to dispose of solid waste in or on the land.

*Solid waste management facility* means a facility for the storage, collection, transportation, processing or reuse, conversion, or disposal of solid waste.

*Story* means that portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, the space between the floor and the ceiling next above it.

*Story, half* means that portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

*Street* means a public right-of-way 34 feet or more in width, affording a primary means of access to abutting property.

*Street, arterial, or major* means a street which serves, or is designated to serve, heavy flows of traffic which is used primarily as a street route for traffic between communities and/or other heavy traffic generating areas.

*Street, collector* means a street which services, or is designed to serve, as a traffic way for a neighborhood or as a feeder to a major roadway. Direct driveway access is limited to the greatest extent possible.

*Street, local* means a street intended to serve primarily as access to abutting properties.

*Street frontage* means the proximity of a parcel of land to one or more streets. An interior lot has one street frontage and a corner lot has two frontages.

*Street pavement* means the wearing or exposed surface of the roadway used by vehicular traffic.

*Street right-of-way* means the width of the right-of-way, measured at right angles to the centerline of the street.

*Street width* means the width of street surface measured at right angles between the curbs or edge of pavement.

*Structural alteration* means any change, other than incidental repairs, which would prolong the life of supporting members of a building such as bearing walls, columns, beams, girders, or foundations.

*Structure* means anything which is built, constructed or erected on the ground or attached to the ground; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts jointed together in some definite manner whether temporary or permanent in character, including decks and signs.

*Subdivision* means the division or redivision of a lot, tract, or parcel of land into two or more lots, either by plat, metes and bounds, or by registered land survey.

*Substandard use* means any use existing prior to the date of this chapter which is permitted within the applicable zoning district but does not meet the minimum lot area, frontage, setbacks, water frontage length, or other dimensional standards of this chapter.

*Taproom* is an area on the premises of or adjacent to one brewery location owned by the brewer that allows the on-sale of malt liquor produced by the brewer for consumption. Such use shall be accessory to the primary use of a national, regional or micro brewery and may be a restaurant.

*Tobacco Shop* means retail establishment that derives more than 50 percent of its gross revenue from the sale of any product, or any component part of a product, whether or not marketed or sold separately, containing or delivering, or designed to deliver, nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product.

*Topsoil* means black dirt composed of unconsolidated material, largely undecomposed organic matter.

*Townhouses* means structures housing two or more dwelling units of not more than two stories each and contiguous to each other only by sharing one common wall, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight dwelling units and each dwelling unit shall have separate and individual front and rear entrances. Each unit shall be served by individual utilities.

*Toxic and hazardous waste* means waste materials including, but not limited to: poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and waste which requires special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.

*Transfer station* means a facility in which solid waste or demolition debris is collected, sorted, or temporarily deposited to await transportation to the final disposal site or facility.

*Use* means the purpose or activity for which the land or building thereon is designated, arranged, or intended, for which it is occupied, utilized, or maintained.

*Use, permitted* means a public or private use which of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular district.

*Use, principal* means the main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

*Useable open space* means 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 recreation purpose. Roofs, driveways and parking areas shall not constitute useable open space.

*Variance* means a modification or variation of the provisions of this chapter where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of this chapter would cause practical difficulties.

*Vehicle.*

1. Midsize vehicle means any motorized vehicle or trailer more than eight (8) feet and up to nine (9) feet in height or more than twenty-two (22) feet and up to twenty-five (25) feet in length, or more than 12,000 pounds and up to 15,000 pounds gross vehicle weight.
2. Oversized vehicle means any motorized vehicle or trailer more than nine (9) feet in height, or more than twenty-five (25) feet in length, or more than 15,000 pounds gross vehicle weight.
3. Stored vehicle means a parked vehicle that has remained in the same location for seven (7) consecutive days or more. Any vehicle moved less than 300 feet shall be deemed to have remained in the same location.
4. Height is measured from the ground to the highest point on the vehicle at recommended tire pressure. All accessories, attachments, and materials carried on the vehicle are considered part of the vehicle.
5. Length is measured at the longest point of the vehicle or, if the vehicle is a trailer, the horizontal distance between the front and rear edges of the trailer bed. All accessories, attachments, and materials carried on the vehicle are considered part of the vehicle.

*Water body* 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.

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

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

*Watershed management or flood control structure* means a dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by period from the commissioner of the state department of natural resources.

*Wetland* means land which is annually subject to a periodic or continuing inundation by water and commonly referred to as a bog, swamp, or marsh.

*Yard* means a required open space on the lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this chapter. A yard

extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

*Yard, front* means a yard extending along the full width of the front lot line between the side lot lines and extending from the abutting street right-of-way to the depth required in the setback regulations for the zoning district in which such lot is located.

*Yard, rear* means an open space unoccupied except for accessory buildings on the same lot with a building, between the rear lines of the building and the rear line of the lot, for the full width of the lot.

*Yard, side* means the yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

*Zero lot line split* means the instance where a structure is allowed to be constructed over a lot line of two adjoining lots.

*Zoning administrator* means the officer charged with the administration and enforcement of this chapter.

*Zoning amendment* means a change of the zoning map or zoning text authorized by the City, either in the allowed use within a district, or in the boundaries of a district.

*Zoning district* means an area or areas within the limits of the City for which the regulations and requirements governing use are uniform.

*Zoning district, overlay* means a zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.

*Zoning map* means the map or maps incorporated into this chapter as a part thereof, designating the zoning districts.

**Cross reference**--Definitions generally, § 1-2.

**Section 74-3.**

**Applicability of chapter.**

From and after the effective date of the ordinance from which this chapter is derived, the use of all land and every building or portion of a building erected, altered and with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the City shall be in conformity with the provisions of this chapter.

**Section 74-4.**

**Interpretation of chapter.**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

**Section 74-5.**

**Vacations.**

Any landowner seeking vacation of an interest of the City in real property within the City may institute appropriate proceedings by paying such fees to cover administrative costs as are determined by the council by resolution. Additionally, the applicant shall reimburse the City for all out-of-pocket expenses, including attorneys fees, incurred in connection with vacation proceedings. Such fees and expenses shall be nonrefundable, whether or not the vacation is completed.

**Charter reference--**Vacating streets, § 13.06.

**State law reference--**Vacating streets, Minn. Stats. § 440.135.

**Secs. 74-6--74-30.**

**Reserved.**