

ORDINANCE NO. 1725
AN ORDINANCE AMENDING CHAPTER 9 – LAND USE OF THE CITY CODE OF 2005
TO AMEND 9.103 DEFINITIONS, 9.105 NONCONFORMITIES, 9.106 GENERAL DEVELOPMENT STANDARDS,
AND 9.107 SPECIFIC DEVELOPMENT STANDARDS.

The City of Columbia Heights does ordain:

Section 1

The following definitions are amended or added as provided in Section 9.103 of the City Code of 2005, is hereby established to read as follows:

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

ABANDONMENT. To discontinue a use or activity for any reason, but excluding temporary interruptions to the use during periods of building or remodeling where a valid building permit has been issued or during periods of routine seasonal closure.

ACCESSORY BUILDING OR STRUCTURE. A building or structure or portion of a structure subordinate to and serving the principal structure on the same lot. Solar equipment and renewable energy installations are not considered to be structures.

ACCESSORY TOBACCO RETAILER. A retail establishment that has obtained an appropriate license from the City and that derives no more than 45% of its gross revenues from the sale of licensed products.

ACCESSORY USE. A use that is reasonably necessary and incidental to the conduct of the primary use of the principal building or buildings.

ADDITION. Any change or modification in construction or occupancy of an existing structure. The enclosure of an existing screened porch, deck, roofed deck, patio, or roofed patio shall be considered an addition.

ADJACENT or *CONTIGUOUS.* Bordering, touching or adjoining. If two lots are separated by a public street, they shall not be deemed adjacent. If two lots are separated by a public walkway, they shall be deemed adjacent.

ADULT USE. Adult uses include adult bookstores, adult motion picture theaters, adult motion picture sales/rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, 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. Activities classified as obscene as defined by M.S. § 617.241, as it may be amended from time to time, are not included.

ADULT USE, ACCESSORY. The offering of retail goods for sale which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale or rental of adult motion pictures, the sale of adult novelties, and the like.

ADULT USE, PRINCIPAL. The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to adult body painting studios, adult bookstores, adult cabarets, adult companionship establishments, adult conversation parlors, adult health clubs, adult theaters, adult modeling studios, and adult saunas and massage parlors.

ALLEY. A public right-of-way or private way that affords a secondary means of access to abutting property.

ANNEXATION. The incorporation of a land area into the city with a resulting change to the corporate limits of the city.

ARCADE. A place or facility where pinball or other similar electronic games are played for amusement only. Shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other devices prohibited by law.

ASSEMBLY, MANUFACTURING AND/OR PROCESSING. Any manufacturing or industrial production which by the nature of the materials, equipment, and process utilized are not objectionable by reason of odor, radiation, noise, vibration, gas fumes, dust, smoke, refuse matter or water-carried waste.

ASSISTED LIVING. A facility licensed by the MnDOH where individualized home care aide services or home management services are provided to residents either by management or by providers under contract with the management.

AUDITORIUM/PLACE OF ASSEMBLY. An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheatres.

AUTO REDUCTION YARD. A lot or yard where one or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

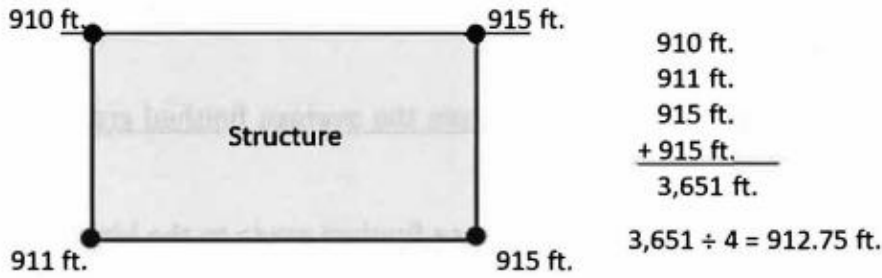
AUTOMOBILE AND MOTORCYCLE SALES/RENTAL NEW. The use of any building, land area, or other premises or portion thereof, for the display, sale, or lease of new automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

AUTO AND TRUCK SALES LOT, USED. Any land used or occupied for the purpose of buying and selling secondhand passenger cars or trucks, and the storing of such vehicles prior to sale.

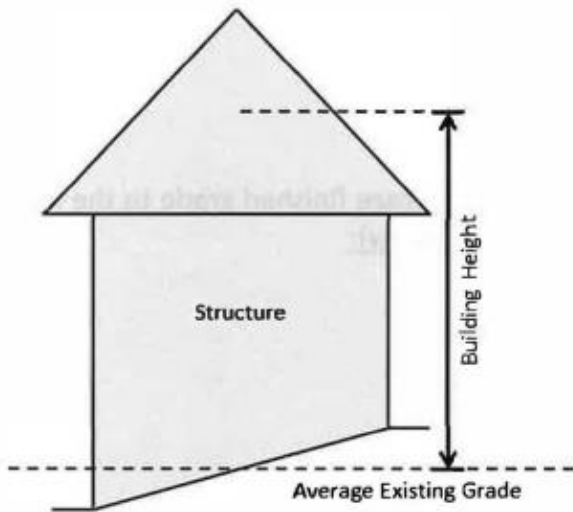
AUTOMOBILE, USED. Any secondhand, previously owned passenger vehicle, car, or truck.

AVERAGE EXISTING GRADE. The average existing grade is measured as the existing elevation (prior to any construction alterations) at each corner of the structure and calculating an average.

AVERAGE FINISHED GRADE. The average finished grade is measured by taking the finished elevation (after any construction alterations) at each corner of the structure and calculating an average; see example images below:



The structure's average existing grade is 912.75 feet



BANNER, FLAG or PENNANT. A sign made of a flexible material, such as cloth, paper, or plastic, however and wherever affixed.

BANQUET HALL. A building for the purpose of hosting a party, banquet, wedding, reception or other social events.

BASEMENT. A portion of a building located partially, up to 50% underground or below grade.

BAY. Cantilevered portion of a building.

BED AND BREAKFAST RESIDENCE. An owner-occupied, single-family residence that provides lodging and meals to registered guests.

BEDROOM. Any room used principally for sleeping purposes and does not contain separate kitchen and sanitary facilities.

BILLIARDS HALL. A business establishment containing more than two pool or billiard tables for the use of patrons.

BOARD OF ADJUSTMENTS. The Columbia Heights Planning Commission.

BOARDING HOUSE. A building other than a motel or hotel where, for compensation and by pre- arrangement for definite periods, meals and/or lodgings are provided for three or more persons, but not to exceed eight persons.

BODY PIERCING SHOP. The practice of physical body adornment by establishments and artists using the techniques of body piercing,

BOWLING ALLEY. Indoor facility for the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars.

BREW PUB. A restaurant that conducts the retail of on-sale malt liquor consumed and brewed on the premise.

BREWER TAPROOM. A facility on the premises of, or adjacent to, a malt liquor manufacturer intended for on-sale and consumption of malt liquor produced by the brewer.

BUFFER. A landscaped area intended to separate and/or partially obstruct the view of adjacent land uses or properties from one another.

BUILDABLE AREA. The area of the lot remaining after the minimum yard or setback requirements of this article have been established.

BUILDING. Any roofed structure that may provide shelter or enclosure of persons, animals or chattel. Solar equipment and renewable energy installations are not considered to be structures.

BUILDING LINE. A line parallel with the street right-of-way, or any property line, at the foundation level of a building and representing the distance which the building is set back from the street right-of-way or other property line.

BULK REGULATIONS. Standards and controls that establish the maximum size of structures and the buildable area within which the structure can be located, including height, floor area ratio, gross floor area, lot area, lot coverage, impervious surface area and yard requirements, but excluding residential density regulations.

BUSINESS. Any occupation, employment, or enterprise wherein merchandise is exhibited, rented or sold or which occupies time, attention labor and/or materials or where services or goods are offered for compensation.

BUSINESS FRONTAGE. The property lines or lease lines at the front of the building or the location of the main public entrance of said building.

CANOPY, AWNING or MARQUEE. A projection or extension of a structure, building or place of assembly, erected in such a manner as to provide a shelter or cover over the approach to any entrance of such structure, building, or place of assembly.

CARETAKER'S RESIDENCE. An accessory dwelling on a nonresidential premises, occupied by the person who oversees the nonresidential operation 24 hours a day, and their family.

CARPORT. An automobile shelter having one or more sides open.

CARWASH. A building that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

CERTIFICATE OF OCCUPANCY. A document issued by the Building Official allowing for the occupancy or use of a building, and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes and ordinances.

CLINIC, MEDICAL. A place used for the diagnosis and treatment of sick, ailing, infirm, injured persons, and those persons who are in need of medical attention. Overnight care facilities are not provided at the clinic.

CLINIC, VETERINARY. A place used for the diagnosis and treatment of sick or injured animals and those animals in need of medical attention within a completely enclosed building with sound proofing and odor control, does not include outdoor kennels.

CLUB OR LODGE. An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are conducted for profit; includes lodge.

COFFEE SHOP. An establishment engaged principally in the sale of coffee and other non-alcoholic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items.

COLOR. Any hue or combination of values of these. Black and white, shall not be considered colors.

COMMERCIAL USE. A use of land, building or structure intended, designed or arranged for a business, occupation, trade, or profession, including entertainment, services or sale of goods.

COMMUNITY CENTER. An establishment operated by a non-profit organization or government agency, which includes recreational facilities, meeting rooms, social service facilities, and public health facilities, or any combination thereof.

Community-scale solar energy system. A solar photovoltaic system that qualifies for the Community Solar Gardens identified by the State of Minnesota Commerce Department's Energy and Utilities.

COMPREHENSIVE PLAN. The policies, statements, goals and interrelated plans for private and public use of land and water, transportation, and community facilities including recommendations for plan execution, documented texts, ordinances, maps which constitute the guide for the future development of the city.

CONCRETE, ASPHALT, ROCK CRUSHING OPERATION. A plant for the manufacture, mixing, and crushing of concrete, cement, and concrete and cement and rock products, including any apparatus and uses incident to such manufacturing and mixing.

CONDITIONAL USE PERMIT. A permit specially and individually granted by the City Council after public hearing thereon by the Planning Commission for any conditional use so permitted in any use district.

CONSIGNMENT/SECONDHAND STORE. Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

CONVENIENCE STORE. A retail establishment, having a maximum gross floor area of 7,500 square feet, offering for sale prepackaged food products, household items and other goods commonly associated with this type of store. This use may also be combined with a motor vehicle service station.

COUNCIL. The Columbia Heights City Council.

CURB. A stone, asphalt or concrete boundary marking the edge of a roadway or paved area.

CURB LEVEL. The grade elevation as established by the city, of the curb in front of the center of the building. Where no curb level has been established, the City Engineer shall determine a curb level or its equivalent for the purpose of this article.

CURB LINE. The line at the face of the curb nearest the street or roadway. In the absence of a curb, the curb line shall be established by the City Engineer.

CURRENCY EXCHANGE. Any person, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders, or travelers' checks for a fee. Does not include a person who provides these services incidental to the person's primary business if the charge for cashing a check or draft does not exceed one dollar or 1 percent of the value of the check or draft, whichever is greater.

DAY CARE, ADULT. A facility that provides care to functionally impaired adults on a regular basis for periods of less than 24 hours in a structure that is not the residence of the person being served or the facility operator.

DAY CARE, FAMILY. A facility that provides care, protection and supervision of children in a private residence for periods of less than 24 hours. The size of the outdoor play area, the maximum number of children who may be served, and the number and qualifications of required outside teachers and helpers are set forth in Minnesota Statutes. This use may be licensed by other agencies.

DAY CARE, GROUP. A non-residential facility where child care, protection and supervision services are provided on a regular basis for periods of less than 24 hours. A group day care facility may also be referred to as a *NURSERY*.

DECK, ATTACHED. A structure six feet or more attached to the main building that may or may not have a railing or access to the ground, but does not have a roof or contain walls.

DECK, DETACHED. A free-standing structure that is directly adjacent or attached to the principal building that may or may not have a railing, but does not have a roof or contain walls.

DENSITY. The number of dwellings or principal buildings or uses permitted per net acre of land. Net acre of land shall not include any land required for public streets or other rights-of-way.

DEVELOPMENT. All structures and other human modifications of the landscape.

DRINKING ESTABLISHMENT. Any premise where alcohol or non-alcoholic beverages are sold at retail for consumption on the premises.

DRIP LINE. A vertical line extending from the outermost branches of a tree to the ground.

DRIVE-IN FACILITY. Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle. Such use may also be referred to as a drive-through.

DRIVEWAY. A private way used by vehicles to gain access to an individual lot or parcel of land. For one- and two-family dwellings, the driveway shall be defined as the length and width of a driving surface that is used to gain access to a private garage.

DROP-IN FACILITY. A facility operated by an organization which provides services such as training, counseling, health, or the distribution of food or clothing. This term includes but is not limited to a facility offering life skills training, substance abuse counseling, housing services, or a neighborhood recovery center. This term does not include an emergency residential shelter.

DWELLING. A building or one or more portions thereof occupied or intended to be occupied exclusively by a family, but not including rooms in motels, hotels, nursing homes, boardinghouses, nor trailers, tents, cabins, or trailer coaches.

DWELLING UNIT, ACCESSORY. A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an internal, attached or detached extension to an existing single-family structure.

DWELLING, ATTACHED. A dwelling that is joined to another dwelling on one or more sides by a common wall.

DWELLING, MULTIPLE. A building so designed as to contain three or more dwellings as the principle use.

DWELLING, SINGLE-FAMILY. Any building that contains one dwelling unit used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied or occupied for living purposes.

DWELLING, TOWNHOUSE. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to the roof and having open space on at least two sides of each unit. Each single-family dwelling unit shall be considered to be a separate building. Separate building service utilities shall be provided to each single-family dwelling unit when required by other chapters of the State Building Code.

DWELLING, TWO-FAMILY. Any building that contains two separate dwelling units with separation either horizontal or vertical on one lot that is used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or occupied for living purposes.

EASEMENT, UTILITY. A grant by a property owner for the use of a portion or strip of land for the purposes of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric liners, telephone lines, storm sewers or storm drainage ways, and gas lines.

EMERGENCY SHELTER. A non-profit, charitable, or religious organization providing boarding and/or lodging and ancillary services on the premises primarily to indigent, needy, homeless or transient persons.

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 as 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.

ESSENTIAL SERVICE. Underground or overhead gas, electrical, steam, or water distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including telecommunication towers.

FACADE. The exterior wall of a building exposed to public view.

FAMILY. Any number of persons living together as a single housekeeping unit under a common housekeeping management plan.

FAMILY, SHARED LIVING ARRANGEMENT. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and to provide social contact, mutual support, and assistance.

FENCE. A fence is any partition, structure, wall or gate erected as a dividing marker along property lines or within the required yard.

FILLING. The placement of sand, gravel, earth or other materials of any composition on a parcel of land.

FIREARM. Any device, designed to be used as a weapon, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or other form of combustion, but excluding a stud or nail gun used in the construction industry or a toy gun.

FIREARMS DEALER. Any person engaged in the sale, lease, trade, or other transfer of firearms or ammunition at wholesale or retail. Firearms dealer shall not include any person engaged only in the business of repairing firearms.

FLOOD. A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

FLOOD FREQUENCY. The average frequency, statistically determined, for which it is expected that a specific flood state or discharge may be equaled or exceeded.

FLOOD FRINGE. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term floodway fringe used in the Flood Insurance Study.

FLOOD PLAIN. The areas adjoining a watercourse that have been or hereafter may be covered by the regional flood.

FLOOD PROOFING. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

FLOODWAY. The channel of the watercourse and those portions of the adjoining flood plain that is reasonably required to carry and discharge the regional flood.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors measured to the outside of exterior walls.

FLOOR AREA, NET. The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines and basements, but excepting that area primarily devoted to window display, fitting rooms, stairs, escalators, unenclosed porches, dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the outside of exterior walls.

FLOOR AREA RATIO. 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.

FREIGHT TERMINAL. A transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers, or stored outdoors in order to transfer them to other locations.

FRONTAGE. The distance for which a lot line coincides with the right-of-way line of a public street or the boundary of a private street.

FUNERAL HOME. A building or part of a building thereof used for human funeral services. Such building may contain space and facilities for embalming and other services used to prepare the dead for burial, performance

of autopsies, storage of caskets, funeral urns and other related funeral supplies and the storage of other funeral supplies, but excluding crematoriums.

GARAGE, PRIVATE. A detached accessory building or portion of principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rate capacity not in excess of 9,000 pounds.

GARAGE SALE. Any display of used goods and/or salesmen samples and sale of said goods on a property used primarily as a dwelling. The person conducting the sale shall be a member of the family occupying the dwelling.

GLARE, DIRECT. That part of the visible light reaching an observer directly in a straight line from the source of its principal diffuser and/or its associated focusing reflector.

GLARE, INDIRECT. Light described in the definition for direct glare, but reaching an observer by reflection from a surface or surfaced which either:

- (1) Move periodically under power of the wind, electricity, burning fossil fuel, or similar energy source; or
- (2) Reflect 70% or more of the light incident upon them; or
- (3) Produce by imaging the effect of the conditions of subdivision (a) above.

GRADE. The elevation or level of the street closest to the building, structure or sign to which reference is made, measured at the street's centerline.

GOLF COURSE. A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

GOVERNMENT PROTECTIVE SERVICE FACILITY. An establishment for training state and local law enforcement, fire safety, national guard, or transit personnel and accessory facilities including but not limited to: (1) dining and overnight accommodations; (2) classrooms; (3) indoor shooting ranges; (4) auto test tracks; and (5) fire suppression simulations.

GRAPHICS. An illustration or rendering which is not for an advertising purpose and which is applied directly to a building or structure.

GREENHOUSE, RESIDENTIAL. A seasonal/temporary accessory building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

GRID-CONNECTED SOLAR ENERGY SYSTEM. A solar photovoltaic system that is connected to an electric circuit served by an electric utility company.

Ground-mounted solar energy system (Accessory Use): A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and the system is accessory to the primary use.

Ground-mounted solar energy system (Primary Use): A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and is the primary land use for the parcel(s) on which it is located. Primary use systems are permitted through a discretionary approval process.

HEALTH/FITNESS CLUBS. An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

HEIGHT, BUILDING. Building height is measured as the distance from the average finished grade to the tallest point of a flat roof; or the peak of a pitched or mansard roof; or the highest point on all other roof types.

HEIGHT, SIGN. Sign height is measured as the distance from the average existing grade to the tallest point on the structure or sign, whichever is taller. For pylon signs, the average existing grade is taken from the elevation where the pole meets the existing grade.

HEIGHT, STRUCTURE. Structure height is measured as the distance from the average finished grade to the tallest point on the structure.

HOME OCCUPATION. Any gainful occupation or profession engaged in by an occupant of a dwelling unit. Such use must be clearly incidental and secondary to the principal use of the dwelling for residential purposes and shall not change the residential character of the dwelling or have an adverse effect on adjacent properties nor constitute a nuisance or safety hazard.

HOTEL. A building containing eight or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient, permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

IMPERVIOUS SERVICE. A surface that is occupied by buildings or structures, or has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

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

JUNK YARD. An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored baled, cleaned, packed, disassembled or handled including but not limited to scrap, iron, and other metals, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

KENNEL, ANIMAL (ANIMAL SHELTER). Any premises where three or more non-caged domestic animals over six months of age are kept, except for an animal hospital, pet shop or veterinary clinic. “Animal kennels” and “animal shelters” include animal daycare uses such as “doggie daycare” and incidental grooming, walking and/or training services.

LAND ALTERATION. Depositing or removing 400 cubic yards or more of material after the effective date of this article so as to modify the existing grade, excluding excavations for the placement of footings or the construction of basements.

LIQUOR STORE, OFF-SALE. Establishments engaged in the sale of alcoholic beverages for off-premises consumption.

LOT. A parcel of land occupied or used or intended for occupancy or use by a use permitted in this article, abutting on a public street, and of sufficient size to provide the yard required by this article.

LOT AREA. The area of a lot in a horizontal plan bounded by the lot lines, but not including any area occupied by the waters of a duly recorded lake or area which has been dedicated as a public right-of-way.

LOT AREA PER DWELLING UNIT. The number of square feet of lot area required per dwelling unit.

LOT, CORNER. A lot situated at the junction of, and abutting on two or more intersecting streets or other public rights-of-way, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot.

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

LOT LINE. A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way shown on a recorded official map, the line of such public right-of-way shall be deemed the lot line.

LOT LINE, FRONT. That boundary of a lot that abuts a public street. In the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the city.

LOT LINE, REAR. That boundary of a lot that 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. Any boundary of a lot that is not a front lot line or a rear lot line.

LOT OF RECORD. Any lot which is one unit of a plat heretofore or hereafter duly approved and filed, or one unit of an auditor's subdivision or a registered land survey, or a parcel of land not so platted, subdivided or registered for which a deed, auditor's subdivision or registered land survey has been recorded in the office of the Register of Deeds or Registrar of Titles for Anoka County, Minnesota prior to the effective date of this article.

LOT, SUBSTANDARD. A lot or parcel of land that has less than the required minimum area or width as established by this article as a buildable parcel.

LOT, THROUGH. A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this article.

LOT WIDTH. The minimum horizontal distance between the side lot lines as measured at the median point of the front yard setback line.

MAINTENANCE FACILITY. An establishment providing routine maintenance of buildings. This term includes but is not limited to an establishment performing window washing, building cleaning, pest extermination or a disinfecting service.

MANUFACTURED HOME. A manufactured home means a factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.

MANUFACTURED HOME PARK. A parcel of land so designed and improved with utilities, parking pads, walks, access roads, and other facilities to accommodate manufactured homes that are to be used as dwellings and that have received state approval.

MEDICAL LABORATORY. A facility offering diagnostic or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis, and any other diagnostic test generally recognized in the healthcare industry.

MOTEL. A building containing eight or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient, permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made directly from the outside.

MOTOR FREIGHT TERMINAL. A building or area where freight arrives and/or is removed for routing in intra-state or inter-state shipment by motor truck.

MOTOR FUEL STATION. A retail place of business engaged primarily in the sale of motor fuels, but may also be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles.

MOTOR FUEL STATION, MAJOR. A primarily retail place of business which may engage in major motor vehicle repair and may include auto wash or convenience store as an accessory use.

MOTOR FUEL STATION, MINOR. A retail place of business which shall have no more than two service bays, and may engage in minor motor vehicle repair.

MOTOR VEHICLE PARTS STORE. Any building or premise used for the purpose of selling and storing any component, product or system of an automobile, motorcycle or truck vehicle.

MOTOR VEHICLE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work and major painting service.

MOTOR VEHICLE REPAIR, MINOR. The replacement of any part or repair of any part including the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work; minor painting and upholstering service when said service above stated is applied within an enclosed building.

NONCONFORMITY. Nonconformity shall have the meaning given in the M.S. § 394.22, subd. 8, or successor statutes.

NOXIOUS MATTER OR MATERIAL. Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well being of individuals.

NURSING HOME. A place, residence, or home used for the boarding and care of elderly or infirm that are dependent upon the services of others.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OFFICE. A building or portion of a building wherein services are performed involving predominantly administration, professional or clerical operations.

OFFICE/SHOWROOM. A structure designed for the display of goods for sale, such as appliances, cars, or furniture with an office as an accessory use.

OFFICE/WAREHOUSE. Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

OFFICIAL CONTROL. Means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria all of which control the physical development of a municipality or a county or any part thereof or any detail thereof, and are the means of translating into ordinances all or any part of the general objections of the comprehensive plan. Such official controls may include but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps.

OFFICIAL MAP. Means a map adopted in accordance to Minnesota Statutes which may show existing roads and highways, future roads and highways and the area needed for widening existing public land and facilities and other land needed for future parks, playgrounds, schools, and other public buildings, civic centers, travel service facilities.

OPAQUE. Impervious to the passage of light.

OPEN SALES LOT. Land devoted to the display of goods for sale, rent, lease, advertising or trade where such goods are not enclosed within a building but not including new or used cars or trucks.

OPEN SPACE, COMMON. Open space within or related to a development designed and intended for the common use or enjoyment of the occupants of the development or the public at large.

ORDINARY HIGH WATER MARK. Shall have the meaning given in M.S. § 103G.005, subd. 14; or successor statutes.

OUTDOOR SALES/DISPLAY. An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

OUTSIDE STORAGE. The keeping in an unroofed area of any goods, bulk material, other material, merchandise, or products for more than 24 hours.

OVERLAY DISTRICT. A zoning district that encompasses one or more primary zoning districts, or portions thereof, and that imposes additional requirements above and beyond those required by the primary zoning district.

PARCEL. An area of land that may be designated by platting, by metes and bounds descriptions, by a registered land survey, by auditor's subdivision, or other acceptable means, which distinguishes it from other parcels.

PARKING, JOINT. The development and use of a parking space or parking lot by two or more separate uses.

PARKING RAMP. A structure designed and used for the storage of motor vehicles at, below, or above grade or a combination thereof that does not consist solely of an at grade outdoor parking area.

PAWNBROKER. A person who loans money on deposit or pledge of personal property or other valuable items or who deals in the purchasing of personal property or other valuable items on condition of selling the same back again at a stipulated price or who loans money secured by security interest on personal property or any part thereof.

PAWN SHOP. A business establishment operated by a pawnbroker.

PEDESTRIAN WAY. A public or private right-of-way, across or within a block that provides access for pedestrians.

PERFORMANCE STANDARD. Criterion established to control noise, odor, radiation, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PERSONS. Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.

PLACE OF WORSHIP. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which buildings and uses are maintained and controlled by a religious body organized to sustain regular public worship. May include a convent, monastery, or other religious residence when accessory to a place of worship or religious facility.

PLANNED UNIT DEVELOPMENT. Planned unit development means 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 usually involving a mix of land use, structure types and other design development details specific to the site or project goals.

PLAT. A map depicting the division or subdivision of land into lots, blocks, parcels, tracts or other portions thereof.

PLAT, FINAL. A drawing of a permanent nature showing the precise location and dimensions of such features as streets, lots, easements and other elements pertinent to transfer of ownership and prepared for permanent record.

PLAT, PRELIMINARY. A drawing showing the proposed general pattern of streets, lots, and land uses within a tract of land to be subdivided.

PLAYGROUND. An area developed for active play and recreation that may contain courts for such games as basketball or tennis.

PRECIOUS METALS. Gold, silver or platinum.

PRECIOUS METALS DEALER. Any person, partnership or corporation, either as principal or agent, who engages in the business of buying or selling secondhand items containing precious metal, including but not limited to jewelry, watches, coins, eating utensils, candlesticks, decorative objects and ingots.

PRECIOUS METALS DEALERSHIP. Any business establishment operated by a precious metals dealer.

PRINTING/PUBLISHING. An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

PROFESSIONAL SERVICE. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

PROFESSIONAL STUDIO. Work space for artists or other commercial professional, including individuals practicing one of the fine arts or skilled in an applied art, craft, or trade that requires a working area.

PUBLIC ART. A fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public.

PUBLIC PARK. A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of people.

PUBLIC WATERS. Public waters shall have the meaning given in M.S. § 103G.005, subd. 15, or successor statutes.

RADIO AND TELEVISION, STUDIO. All uses related to the production of motion pictures and television film and tape as well as radio recordings, including motion picture and television stages; exterior sets; laboratories; construction, repair, and storage facilities; caretaker and temporary housing; all vehicles used to transport this equipment and other related commercial vehicles; and accessory fabrication activities.

RAMP. A structure attached to a principle or accessory building which is constructed at a slope that meets the Uniform Building Code requirements for the purposes of providing access to a building.

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 consecutive bridge crossings would most typically constitute a reach.

RECREATIONAL FACILITY (INDOOR AND OUTDOOR). Clubhouses, swimming pools, tennis courts, trails and similar facilities used by the general public for exercise, sports or entertainment.

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 100-year recurrence interval. Regional flood is synonymous with the term base flood used in the flood insurance study.

RENTAL UNIT. A licensed dwelling designed for use and occupancy by persons other than the owners.

RESIDENTIAL CARE FACILITY. A licensed public or private facility, which, for gain or otherwise, regularly provides one or more dependents with 24-hour-a-day substitute for the care, food, lodging, training, supervision, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the dependent's own home. The term includes facilities that are licensed by the Minnesota Department of Health, foster homes, residential treatment facilities, maternity shelters, group homes, schools for challenged children, and homes for battered children or spouses. Such term shall not include any facility eligible for licensure by the Minnesota Department of Corrections. Residential care facilities serving six or fewer dependents are considered permitted uses in all residential zoning districts where single family residences are permitted subject to the same regulations.

RESIDENTIAL CARE FACILITY, CORRECTIONAL. A licensed public or private facility, which, for gain or otherwise, regularly provides one or more dependents with 24-hour-a-day substitute for the care, food, lodging, training, supervision, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the dependent's own home. The term includes facilities that are licensed by the Minnesota Department of Health, foster homes, residential treatment facilities, maternity shelters, group homes, schools for challenged children, and homes for battered children or spouses. Such term shall also include any facility eligible for licensure by the Minnesota Department of Corrections.

RESIDENTIAL USE BUILDING. A dwelling, boarding, lodging, rooming, fraternity or sorority house, or a dormitory unit.

RESTAURANT. An establishment engaged in the preparation and retail sale of food and beverages, which is characterized by table service to customers and does not meet the definition of a fast food restaurant.

RESTAURANT, FAST FOOD. An establishment whose design or principal method of operation includes at least five of the following characteristics.

- (1) Less than 50% of the gross floor area is devoted to customer dining.

- (2) A permanent menu board is provided from which to select and order food.
- (3) If a chain or franchised restaurant, standardized floor plans are used over several locations.
- (4) Customers pay for food before consuming it.
- (5) A self-serve condiment bar is provided.
- (6) Trash receptacles are provided for self-serve bussing.
- (7) Furnishing plan indicates hard-finished stationary seating arrangement.
- (8) Most main course food items are substantially cooked on the premises and packaged in individual, non-reusable containers.

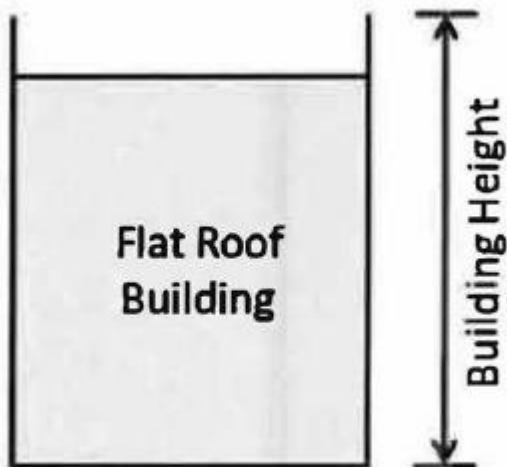
(9) In addition, any restaurant with a drive-through facility shall be considered a fast food restaurant.

RIGHT-OF-WAY. An area or strip of land, either public or private, upon which a right-of-passage has been recorded for the use of vehicles, including trains, or pedestrians or both.

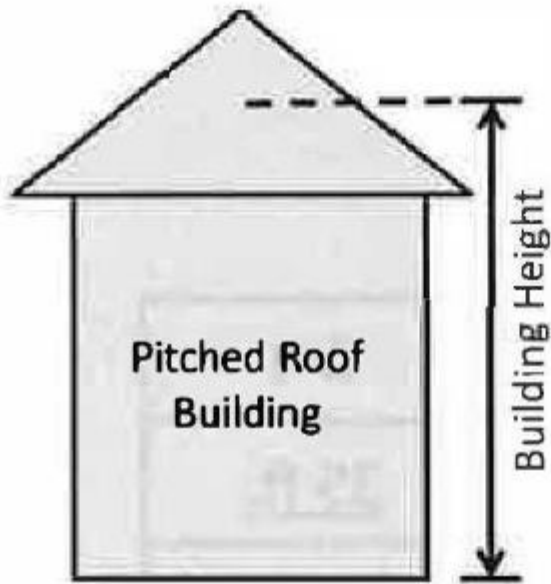
ROAD. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, service road, place or however otherwise designated.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mount systems are accessory to the primary use.

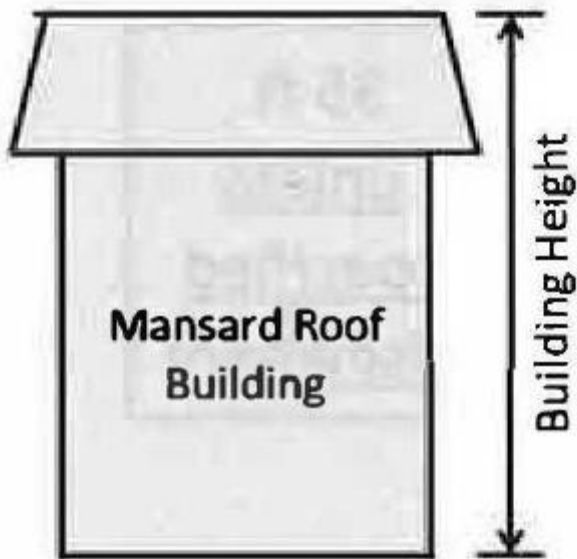
ROOF HEIGHT, FLAT. The height of a flat roof is measured as the average finished grade to the highest point on the roof (see example below):



ROOF HEIGHT, PITCHED. The height of a pitched roof is measured at the average finished grade to the mean distance between the eaves and the highest point of the roof (see example below):



ROOF HEIGHT, MANSARD. The height of a mansard roof is measured as the average finished grade to the highest peak on the mansard roof (see example below):



ROOF HEIGHT, OTHER. All other roof heights are measured as the average finished grade to the highest point or area on the roof.

ROOF LINE. The uppermost line of the roof of a building or, in the case of an extended facade, the uppermost height of said facade.

ROOMER. A person who is not a member of the family occupying a room for a charge.

ROOMING HOUSE. A residential structure that offers a room or rooms without kitchen facilities for rent.

SALVAGE OPERATION/TRANSFER STATION. Structures or systems designed for the collection, processing, or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

SAMPLING, TOBACCO. The lighting, inhalation, or combination thereof of tobacco, tobacco paraphernalia, or tobacco-related products for the purpose of testing a tobacco product prior to the sale of such product.

SCHOOL, K-12. A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of Minnesota.

SCHOOL, PERFORMING/VISUAL/MARTIAL ARTS. A school where classes in the various arts (e.g. dance, painting, theater, martial) are taught to four or more persons at a time.

SCHOOL, VOCATIONAL/BUSINESS. A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills.

SEASONAL SALES STANDS. An open-air facility which sells seasonal products directly to customers on site. These products include, but are not limited to, produce, fireworks, greenhouses containing trees and plants or other seasonal goods.

SELF-SERVICE STORAGE FACILITY. A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities.

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

SETBACK. The minimum horizontal distance between a building or structure and a right-of-way, property line, ordinary high water level, or other specified facility.

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

SHOOTING RANGE. Any building or premises where there are facilities of any sort for the firing of handguns, rifles, or other firearms.

SHOPPING CENTER. A group of four or more commercial uses that has either common management or ownership, or has a contiguous gross retail area of 20,000 square feet or more.

SHORE IMPACT ZONE. The land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the required structure setback for the applicable lake or river classification.

SHORELAND. Shoreland shall have the meaning given in M.S. § 103F.205, subd. 4, or successor statutes.

SIGN. A structure, device, advertisement, advertising device or visual representation intended to advertise, identify or communicate information to attract the attention of the public for any purpose and without prejudice to the generality of the foregoing. A sign includes any symbols, letters, figures, graphics, or forms painted or otherwise affixed to a building or structure intended to attract the attention of the public for any purpose. This definition includes a structural or nonstructural device that borders, illuminates, animates or projects the visual representation. Signage displayed through public art displays or murals shall be subject to the sign area requirements identifying a single continuous perimeter enclosing the extreme limits of such sign.

(1) *SIGN AREA.* The entire area within a single continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall, in no case, pass through or between any adjacent elements of such sign. In the case of a sign designed with more than one exterior surface, the area shall be computed as including only the maximum single display surface, which is visible from any ground position at one time, except when the signage includes a public art display or mural component. The supports, uprights, or structures on which any sign is supported, which do not form an integral part of the display, are not included in the sign area.

(2) *SIGN, MAXIMUM HEIGHT.* Refers to the vertical distance measured from the nearest finished grade to the top of such a sign.

(3) *SIGN, MINIMUM HEIGHT.* Shall refer to the vertical distance measured from the nearest finished grade to the lower limit of such sign.

(4) *SIGN STRUCTURE*. The structure which supports or is capable of supporting any sign, including the framework, braces, uprights, and supports of such signs. Said definition shall not include a building to which the sign is attached.

SIGN ALTERATION. A change of copy area, size, or location exclusive of routine maintenance, painting or change of the copy itself.

SIGN, ANIMATED. A sign that includes action or motion effected through mechanical or electrical means or wind, exclusive of flashing, changing and indexing signs.

SIGN, AREA IDENTIFICATION. A sign identifying a shopping center or multiple dwelling units.

SIGN, BILLBOARD. A non-accessory sign for the purpose of advertising a product, event, person, subject or service not entirely or directly related to the premises on which said sign is located, including a sign for the purpose of advertising the availability for rental or sale of the sign itself.

SIGN, CANOPY, AWNING OR MARQUEE. A sign suspended from or forming part of the canopy, awning, or marquee that does not extend horizontally beyond such canopy, awning or marquee.

SIGN, CHANGEABLE COPY. A sign employing detachable copy, letters or symbols which may be altered, substituted or rearranged to convey varying messages, regardless of method of attachment.

SIGN, CHANGING. A sign which displays copy changes, such as an electronically or electrically controlled public service, time and temperature sign, message center or reader-board.

SIGN, COPY. The letters, symbols, or other representatives used on a sign to convey a message.

SIGN, COPY AREA. That portion of the sign which contains the copy and to which the copy is applied.

SIGN, DIRECTIONAL. An on-premise sign designed to guide or direct pedestrian or vehicular traffic.

SIGN, DYNAMIC LED. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any moving, flashing, blinking, or animated display and any display that incorporates LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

SIGN, ELECTRIC. A sign that uses electrical wiring on, in or near such sign to effect illumination.

SIGN, FLASHING. A sign that contains flashing lights or exhibits discernable and purposeful changes in light intensity or color.

SIGN, FREE-STANDING. A permanent sign which is not affixed to any part of a building or structure and which is supported by upright brace(s) or post(s) placed in the ground.

SIGN, IDENTIFICATION. A sign which is limited to the name, address and number of a building, structure, institution, or person in addition to the activity carried on in the building, structure or institution, or the occupation of the person.

SIGN, ILLUMINATED. A sign designed to give forth or reflect any artificial light, either directly from a source of light incorporated in or connected with such sign, or indirectly from an artificial source in the immediate proximity thereof.

SIGN, INCIDENTAL. A small sign less than two square feet in area of a noncommercial nature, intended primarily for the convenience of the public, including signs designating rest areas and public telephones.

SIGN, INSTITUTIONAL. A sign used by an institution.

SIGN, MONUMENT. A permanent freestanding sign which is not affixed to any part of a building or structure and which is typically constructed of masonry, concrete, wood or other decorative type material to complement the surrounding area.

SIGN, POLITICAL. A sign which states the name, slogan and/or picture of an individual seeking election to a public office, or which pertains to a public election or referendum, or which relates to or advocates political views or policies.

SIGN, PORTABLE. A sign that is not permanently attached to the ground or to a building or structure.

SIGN, PROJECTING. A sign which extends outward from the wall of a building or structure more than 18 inches, and is supported by or suspended from such wall.

SIGN, REAL ESTATE. A sign offering land and/or buildings for sale, lease or rental, located on such property.

SIGN, REVOLVING. A sign, any part of which turns, rotates, or revolves.

SIGN, ROOF. A sign which is painted on, affixed to, or erected upon the roof or parapet of a building or structure of which any portion is situated on or above the roof level of such building or structure and is wholly or partially supported by said building or structure.

SIGN, SANDWICH BOARD. A freestanding “A” frame sign, not requiring staking to the ground, placed near the entrance of a retail store to direct pedestrians to that business.

SIGN, TEMPORARY. A sign, banner, pennant, valance, or advertising device intended to be displayed for a limited period of time, whether portable or attached to the principal structure.

SIGN, TIME AND TEMPERATURE. A sign that displays only time and temperature information.

SIGN, VARIABLE ELECTRONIC MESSAGE. A dynamic LED sign that changes its message more frequently than once every ten seconds for commercial and industrial properties located in the LB, GB, CBD, I-1 and I-2 zoning districts and a dynamic LED sign that changes its message more frequently than once every 10 minutes for religious and/or educational institutions located in the R-1, R-2A, R-2B, R-3, R-4, LB and PO zoning districts.

SIGN, WALL. An identification sign affixed to or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of said wall.

SIGN, WINDOW. A sign painted on, placed in, or affixed to any window, exclusive of merchandise on display.

SIGNIFICANT HISTORIC SITE. An 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 the M.S. § 307.08; or successor statutes. 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.

~~*SMOKE SHOP.* A retail establishment that has obtained an appropriate license, in which greater than 90% of the business's gross revenue must be from the sale of tobacco, tobacco products or smoking related accessories.~~

SOLAR ENERGY SYSTEM: A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

SOLAR PHOTOVOLTAIC SYSTEM: A solar energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring.

SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breasts below a point immediately above the top of the areola: and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Activities including: (1) 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, (2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or, (3) Use of human

or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or, (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or, (5) 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, (6) Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or, (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story.

STREET. A public right-of-way not less than 50 feet in width which affords a primary means of access to abutting property.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, column beams, girders, or foundations.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure. Amending Accessory Building/Structure and Structure definitions to explicitly state that solar equipment and installations are not considered to be structures.

SUBDIVISION. Land that is divided for the purposes of sale, rent, or lease and including planned unit developments.

SWIMMING POOL, ABOVE-GROUND. All swimming pools that are constructed so that the edge of the pool is greater than three and one-half feet above ground grade or has a capacity of more than 3,000 gallons of water.

SWIMMING POOL, HOT TUB. All pools that are intended for hydro-therapeutic massage and relaxation purposes that have a capacity of less than 750 gallons of water, including such pools generally constructed with a filter unit(s), pump(s), water jet(s), molded seating and a heating unit(s). Any hot tub greater than 750 gallons of water shall be considered an above-ground pool for regulatory purposes.

SWIMMING POOL, IN-GROUND. All swimming pools constructed so that the pool edge is level with the ground grade.

SWIMMING POOL, PORTABLE. Any temporary pool designed for easy construction and removal with a maximum height of 3.5 feet or a capacity of less than 3,000 gallons of water.

TATTOO SHOP. Any room or space where tattooing is performed for compensation. Tattooing means a placement in human tissue of any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, scroll, figure, or symbol done by scarring upon or under the skin.

THEATER, LIVE PERFORMANCE/MOVIE. An establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions.

TOBACCO PRODUCT SHOP. A retail establishment that has obtained an appropriate license, in which greater than 90% of the business's gross revenue must be from the sale of tobacco, tobacco products or smoking related accessories, and prohibits persons under 21 from being present or enter at all times.

TRANSITIONAL/EMERGENCY HOUSING. A facility, other than a community living arrangement, managed by a public or nonprofit agency that provides short-term housing and a protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse, or neglect, including emergency housing during crisis intervention for victims of rape, child abuse, or physical beatings which contains individual sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities.

TWINHOME. A single-family residential dwelling on an individual lot, sharing a common wall with another single-family residential dwelling.

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

USE, CONDITIONAL. Either a public or private use as listed which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district.

USE, INTERIM. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards of such district.

USE, PRINCIPAL. The main use of land or buildings.

VENDING MACHINE. Any coin operated device that dispenses a product or service without an attendant.

WALL SURFACE. The total horizontal area of the building face, including windows and door areas, measured to the extreme outer limits of such wall surface.

WAREHOUSING AND/OR DISTRIBUTION. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

YARD. A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this article. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

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

YARD, REAR. A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

YARD, SIDE. A yard extending along a side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

ZONING ADMINISTRATOR. Person appointed by the City Manager as provided by this article.

ZONING DISTRICT. An area or areas within the limits of the city for which the regulations and requirements governing use are uniform.

Section 2

The following language for Nonconformities is added, amended and deleted as provided in Section 9.105 of the City Code of 2005, is hereby established to read as follows:

(C) *Nonconforming structures.*

(1) *Nonconformity established.* Any building or structure that does not conform to the setback, dimensional or density standards of the zoning district in which the property is located shall be deemed a nonconforming structure.

(2) *Right to continue.* A legal nonconforming structure may be continued as it existed on the effective date of this article, except as provided for herein.

(3) *Expansion prohibited.* A nonconforming accessory building shall not be enlarged, altered or expanded in any manner or dimension. A nonconforming principal structure shall not be enlarged, altered or expanded in any manner or dimension, unless the alteration or expansion: 1) does not

increase the degree of nonconformity; 2) does not further infringe upon established setbacks or building restrictions; 3) does not exceed 50% of the assessed value of the structure over the life of the structure at the time it became nonconforming; and 4) would substantially reduce potential flood damages for the entire structure.

(4) *Repair, ~~and maintenance~~ and replacement.* Minor repairs and routine maintenance necessary to keep a nonconforming structure in a sound and safe condition are permitted as well as replacement of a nonconforming structure that does not increase or intensify the nonconformity.

(5) *Damaged or destroyed.* A nonconforming structure that is damaged or destroyed by fire or natural causes, to the extent that the cost of repair is more than 50% of the assessed value, shall not be restored unless it is brought into conformance. However, any principal residential structure located in a LB (Limited Business District), which falls within the “Town Square Concept” (adopted August, 2000) of the Columbia Heights Downtown Master Plan, and is damaged or destroyed by fire or natural causes over 50% of the assessed value, the dwelling may be reconstructed in the same footprint as the original structure, but may not be expanded in size.

Section 3

The following language for General Development Standards is added, amended and deleted as provided in Section 9.106 of the City Code of 2005, is hereby established to read as follows:

(S) Table of Uses. The following tables include the permitted, conditional, and accessory uses for all residential, commercial, industrial, and public zoning districts; numbers indicate additional conditions for approval of use which can be found in City Code 9.107 Specific Development Standards.

1. RESIDENTIAL ZONING DISTRICTS					
A = Accessory Use C = Conditional Use P = Permitted Use PUD = Planned Unit Development					
Numbers indicate additional conditions for approval of use which can be found in City Code 9.107 Specific Development Standards.					
ZONING DISTRICTS	R-1 SINGLE-FAMILY RESIDENTIAL	R-2A/R-2B: TWO-FAMILY RESIDENTIAL	R-3: LIMITED MULTIPLE FAMILY RESIDENTIAL	R-4: MULTIPLE FAMILY RESIDENTIAL	P: PUBLIC AND OPEN SPACE
USE CLASSIFICATION					
Accessory building/structure.	A	A	A	A	
Accessory dwelling unit on a single-family property.	A	A	A	A	
Bed and breakfast home, accessory to a single-family dwelling.			C	C	
Cemeteries.					P
Community center.			C	C	C
Congregate living facilities, including rooming houses, group living quarters, nursing homes (27), senior housing, assisted living facilities, transitional housing and emergency housing (44).			C	C	
Convent or monastery, when accessory to a religious facility.	C	C	C	C	
County, regional, and city parks.	P	P	P	P	P
Day care center, adult or child.			C	C	

Decorative landscaping, gardening and other horticultural uses.	A	A	A	A	
Essential services.					P
Fences greater than six feet in height.	A	A	A	A	
Golf course.	C	C			
Government office.	C	C	C	C	
Government protective service facility.	C	C	C	C	
Greenhouses (residential). (24)	A	A	A	A	
Ground-mounted solar energy system (accessory use). (51)	A	A	A	A	A
Ground-mounted solar energy system (primary use). (51)	P	P	P	P	P
Home occupations.	A	A	A	A	
Joint driveway use between adjoining property owners.	C	C	C	C	
Licensed day care facility serving 12 or fewer persons. (16)	P	P	P	P	
Licensed day care facility serving more than 12 persons.				C	
Licensed group family day care facility serving 14 or fewer children.	P	P	P	P	
Living quarters for persons employed on the premises.					A
Manufactured home park.				C	
Multiple-family dwelling.				P	
Multiple-family dwelling with up to eight units per structure.			P		
Non-city governmental and public regulated utility buildings and structures necessary for health, safety, and general welfare of the community.					C
Off-street parking for an adjacent conforming commercial or industrial use, provided the lots are under common ownership, is not separated by a public right-of-way and front on the same public right-of-way.		C	C	C	
Operation and storage of such vehicles, equipment and machinery, which are incidental to the permitted or conditional uses allowed in the district.					A
Other accessory uses as determined by the Zoning Administrator.	A	A	A	A	
Playgrounds, athletic fields, recreational areas, and parking areas.	P	P	P	P	P
Private garages, carports, and parking spaces.	A	A	A	A	
Private swimming pools, tennis courts, and private recreational facilities operated for the sole use and convenience of the residents and their guests.	A	A	A	A	
Public parks and playgrounds.	P	P	P	P	P
Publicly owned and operated facilities.					P

Recreational facility, indoor.			C	C	C
Recreational facility, outdoor.			C	C	C
Recreational vehicles and equipment.					A
Religious facility/ place of worship. (35)	C	C	C	C	
Roof-mounted solar energy system. (50)	A	A	A	A	A
Shared family living arrangements.	A	A	A	A	
Signs as regulated by 9.106.	A	A	A	A	A
Single-family dwelling, detached.	P	P	P	P	
School, public or private, K-12. (39)	C	C		C	
School, vocational or business. (40)				C	
State licensed residential care facility serving six or fewer persons. (36)	P	P	P	P	
State licensed residential care facility serving 7 to 16 persons. (36)			C	C	
Temporary construction buildings.	A	A	A	A	
Town home dwelling with up to eight units per structure.			P	P	
Two-family dwelling. (45)		P	P	P	
Twinhome dwelling. (45)		P	P	P	

1. COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS					
A = Accessory Use C = Conditional Use P = Permitted Use PUD = Planned Unit Development Numbers indicate additional conditions for approval of use which can be found in City Code 9.107 Specific Development Standards (C)					
ZONING DISTRICTS	LB: LIMITED BUSINESS	GB: GENERAL BUSINESS	CBD: CENTRAL BUSINESS	I-1: LIGHT INDUSTRIAL	I-2: GENERAL INDUSTRIAL
USE CLASSIFICATION					
Accessory building.	A	A	A	A	A
<u>Accessory Tobacco Retailer</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Adult entertainment use. (1)				C	C
Animal kennel and/or shelter. (2)		C		C	
Arcade.		P	P		
Assembly, manufacturing and/or processing.		C		P	P
Auditorium/place of assembly.		P	P		
Automobile convenience facility. (3)		P			
Automobile and motorcycle repair, minor. (5)		C		C	C
Automobile and motorcycle repair, major. (4)				C	C
Automobile and motorcycle sales/rentals, new. (6)		C			
Automobile and motorcycle sales/rentals, used (in building). (7)		C			
Banquet hall. (47)		C	C		
Barbed wire fences. (8)				C	C
Bed and breakfast home, when accessory to a single-family dwelling. (9)	C				
Billiards hall.		P	P		
Body piercing shops.				P	P
Bowling alley.		P	P		
Brew pub. (46)		P	C		

Brew pub, not exceeding 2,000 barrels of malt liquor a year. (46)	C				
Brewer taproom. (46)		P	C	P	
Brewer taproom, not exceeding 2,000 barrels of malt liquor a year. (46)	C				
Car Wash. (10)		C			
Caretaker’s residence.				A	
Clinic, medical or dental.	P	P	P		
Clinic, veterinary.	P	P	P		
Club or lodge.		P	P		
Community center. (12)		C	C	P	P
Concrete, asphalt or rock crushing operation. (11)				C	C
Congregate living facilities, including rooming houses, group living quarters, nursing homes (27), senior housing, assisted living facilities, transitional housing and emergency housing (44).	C				
Consignment/secondhand store. (13)		C			
Currency exchange. (14)		C			
Day care facility, adult or child. (15)		P			
Drive-up facility. (17)		A	A		
Drop-in facility. (18)		C			
Fences greater than six feet in height.	A	A	A		
Fences greater than seven feet in height.				A	A
Financial institution.		P	P		
Firearms dealer/shooting range. (20)		C			
Food service, convenience (fast food). (21)		P	P		
Food service, limited (coffee shop/deli).	P	P	P		
Food service, full service (restaurant/nightclub).		P	P		
Freight terminal. (22)				P	P
Funeral home. (23)	P	P			
Ground-mounted solar energy system (accessory use). (51)	A	A	A	A	A
Ground-mounted solar energy system (primary use). (51)	P	P	P	P	P
Government maintenance facility.	C	C		P	P
Government office.	P	P	P	P	P
Government protective service facility.	P	P	P	P	P
Greenhouse/garden center.		P			
Health/fitness club.		P	P		
Health/fitness clubs, not exceeding 4,000 gross square feet in area. (48)	C				
Hospital. (25)	C	C			
Hotel or motel.	C	P	P		
Incidental repair or processing necessary to conduct the permitted principal use, provided the accessory use does not exceed 30% of the floor area.		A	A		
Laboratory, medical.		P	P	P	P
Landscaping and other horticultural uses.	A	A	A	A	A
Licensed day care facility, child or adult. (16)	C		P		
Liquor store, off-sale.		P	P		
Maintenance facility.				P	P
Motor vehicle parts store.		P		P	P
Museum/gallery.	P	P	P		

Multiple-family dwelling.	P				
Single and Multiple-family residential, when located above a first floor street level commercial use. (26)			P		
Off-street parking and loading areas.				A	A
Office.	P	P	P	P	P
Office/showroom.				P	P
Office/warehouse.				P	P
Outdoor sales or display. (28)		C	C	C	C
Outdoor storage. (29)		C	C	C	C
Parking ramp.		P	P	P	P
Pawnshop. (30)		C		P	P
Precious metal dealerships. (31)		C			
Printing/publishing.		P	P	P	P
Private garages, carports, and parking spaces.	A	A	A		
Private swimming pools, tennis courts, and private recreational facilities operated for the sole use and convenience of the residents and their guests.	A				
Public parks and playgrounds.	P	P	P	P	P
Recreational facility, indoor. (33)	C	C	C	P	P
Recreational facility, outdoor. (34)	C	C	C	P	P
Recreational vehicles sales, new. (32)		C			
Recreational vehicles sales, used (in building). (32)		C			
Religious facilities/places of worship (35)		C	C		
Retail sales.	P	P	P	P	P
Roof-mounted solar energy system. (50)	A	A	A	A	A
Salvage operation/transfer station. (38)				C	C
Seasonal sales stands. (49)	A	A	A		
Self-service storage facility.				P	P
Service, professional. (19)	P	P	P		
School, performing/visual/marital arts. (41)	C	P	P		
School, vocational or business. (40)	C	P	P		
Shopping center. (42)		P			
Signs as regulated by 9.106.	A	A	A	A	A
Single-family dwelling, when accessory to a commercial use.	C				
Smoke-Tobacco Product Shops (43)	P	P	P	P	P
State licensed residential care facility, correctional. (37)				C	C
State licensed residential care facility. (36)	C				
Studio, professional.	P	P	P		
Studio, radio and television.		P	P	P	P
Tattoo shops.				P	P
Temporary construction buildings.	A	A	A	A	A
Theater, live performance.			P		
Theater, movie.			P		
Warehousing and/or distribution.				P	P

Section 4

The following language for Specific Development Standards is added, amended and deleted as provided in Section 9.107 of the City Code of 2005, is hereby established to read as follows:

(35) Religious ~~institution~~facilities/places of worship.

- (a) The facility shall be served by a minor collector or higher functional classification of roadway.
- (b) ~~The parcel upon which the use is located shall have a lot area no less than four times the area of the building footprint.~~ A transportation management plan shall be submitted to address off-street parking, traffic control, and the impact of the facility on surrounding roadways.
- (c) To the extent practical, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.
- (d) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
- (e) All accessory residential, school or day care uses shall be subject to the provisions of this article.

[Text not shown remains unchanged]

43) ~~Smoke~~Tobacco Product shops.

- (a) ~~The smoke shop~~ Must have an entrance door opening directly to the outdoors.
- (b) ~~Greater than 90% of the business's gross revenue must be from the sale of tobacco, tobacco products or smoking related accessories.~~ Shall share no wall with, and has no part of its structure adjoined to any other business or retailer, unless the wall is permanent, completely opaque and without doors, windows and pass-throughs to the other business or retailer.
- (c) ~~A tobacco department or section of any individual business establishment with any type of liquor, food or restaurant license shall not be considered a smoke shop.~~ Shall share no walls with, and has no part of its structure directly adjoined to another tobacco retailer.
- (d) ~~The total number of city-issued smoke shop licenses shall at no time exceed five.~~
- (~~e~~) Any existing ~~tobacco product~~smoke shops at the time of the passage of Ord. ~~1570-1720~~ shall comply fully with the ordinance by ~~December 31, 2010~~January 1, 2026.

Section 5

This ordinance shall be in full force and effective from and after 30 days after its passage.

First Reading:

Offered by:

Seconded by:

Roll Call:

Second Reading:

Offered by:

Seconded by:

Roll Call:

Date of Passage:

Amáda Márquez Simula, Mayor

Attest:

Sara Ion, City Clerk/Council Secretary