

Section 86-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Abutting or abuts means areas or lots whose boundaries at least touch one another at a single point, including areas or lots whose boundaries would touch but for an intervening alley.
- (a)(b) Accessory building means a subordinate building which is located on the same lot as the principalmain use building and the use of which is listed as an accessory use and clearly incidental or supplementary to the use of the principalmain building.
- (b)(c) Accessory equipment means any permanent exterior structure, except buildings, which is located either on the same lot as the principalmain use building or attached to any building on the lot and the use of which is clearly incidental or supplementary to the use of the principalmain building such as for building service or building occupants' entertainment including, but not limited to, TV antennas, AC units, solar panels, service tanks, children playgrounds, swimming pools, hot tubs, sportsbasketball courts, and other similar items. For the purposes of this section, amateur radio antennas, flag and light poles, and up to two electric vehicle charging stations, are not considered accessory equipment.
- (e)(d) Adult use means an amusement or entertainment distinguished or characterized by an emphasis on material depicting, describing, or relating to sexual activities or anatomical areas; or which feature strippers, exotic or topless dancing, male or female impersonators.
- (d)(e) Alley means a public way less than 30 feet in width which provides secondary access to abutting properties.
- (e)(f) Apartment means a dwelling unit located in an apartment buildingsuite of rooms which is designed for, intended for, or used as a residence for one or more individuals and equipped with bathing and cooking facilities. Apartment is usually intended for rent or lease.
- (f)(g) Apartment building means a multiple family dwelling under single ownershipthree or more apartments grouped in one building under single ownership and/or containing common public space.
- (h) Assisted living facility means a state licensed multiple family dwelling building or part thereof consisting of individual dwelling units and that includes common recreational spaces, a common dining room and food preparation areas where meals are served on a daily basis. Occupants are provided with personal care services because of age, disability or other reasons. Such facility is licensed by the state.
- (g)(i) Attic means unfinished or partially finished space between the roof deck and the ceiling of the topmost story, and which can be accessed from below by attic access panel or pull-down ladder.
- (h)(j) Automobile wrecking. See junkyards.
- (i)(k) Awning means an roof-type architectural projection that is wholly supported by the building to which it is attached, and which is comprised of a lightweight, rigid frame structure over which a fabric or other pliable covering is attached.
- (j)(l) Balcony means an exterior floor or platform projecting from and supported by the building to which it is attached without additional independent support.
- (k)(m) Basement means a habitable portion of a building located fully or partly underground, but having less than half of its floor-to-ceiling height above the average grade of the adjoining ground immediately below the main floor. This portion is not a completed structure and serves as a substructure or foundation for a building.
- (i)(n) Bed and breakfast facility means any owner-occupied one-family dwelling other than a hotel, motel, boardinghouse or lodginghouse where the breakfast meal and lodging for compensation are provided for transient guests pursuant to previous arrangements and where the owners

~~serve as hosts. Such persons (guests) customarily shall have use of facility common areas such as living room, dining room, library, etc.~~

- (m) *Boarder* means a person, not a part of a housekeeping unit, who resides with that housekeeping unit on a permanent basis ~~lives in a dwelling~~ with a special contract with the owner whereby the owner provides meals and lodging.
- ~~(n) *Boardinghouse or lodginghouse* means any dwelling other than a hotel or motel where meals, lodging or lodging and meals for compensation are provided for three or more persons who do not function as a household unit and who are semi-permanent in nature.~~
- ~~(e)(n)~~ *Boulevard* means a portion of the street right-of-way located between the street and private property, unless a public sidewalk is present, in which case it is a portion located between the street and public sidewalk not occupied by pavement.
- (o) *Brewpub* means a small brewery that serves and sells its product on premises in addition to off-premises sales. For the purpose of this Chapter article, brewpub is the same as taproom.
- (p) *Buildable area* means the portion of a lot remaining after required yards have been provided.
- (q) *Building* means any structure used for the shelter or enclosure of persons, animals, chattels or property of any kind, and fully enclosed with full height walls on all sides and roof on top including, for the purposes of this chapter, supporting structures for antennas, excepting guy wires installed not closer than one foot from the side or rear lot lines. When any such structure is separated by party walls without openings, such portion of such buildings so separated shall be deemed a separate building.
- (r) *Building addition* means an extension or increase in floor area, number of stories or height of an existing building.
- (s) *Building alteration (remodel)* means any construction or renovation of an existing building other than addition or repair.
- (t) *Building area* means gross area of the main floor of a building contained between exterior surfaces of exterior walls, including all porches.
- (u) *Building area, total*, the sum of the gross horizontal areas of all stories of a building measured within exterior surfaces of the exterior walls, and including basements.
- ~~(e)(v)~~ *Building Code* means the current State Building Code.
- ~~(r)(w)~~ *Building height* means the vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof edge or parapet for flat roofs; to the deck line of mansard roofs; and to the mean height point between the top eaves line and the ridge or other highest roof point for gable, hip and gambrel roofs.
- (x) *Building official* means the municipal building code official certified under Minnesota Statutes, Stat. § 326B.133, subd. 2 and 3 and designated by the city council, and who is authorized to enforce the state Building Code.
- ~~(s)(y)~~ *Building repair* means any maintenance work, including replacement of deteriorated finishes and broken equipment, and work to correct damage, including that caused by natural disasters or malfunctioning equipment, performed on an existing building to restore it to previous condition.
- ~~(t)(z)~~ *Canopy* means an roof-type architectural projection that is supported by the building to which it is attached and at the outer end by not less than one vertical support or a permanent independent roofed structure supported by two or more individual vertical supports.
- (aa) *Carport* means a canopy structure building serving as an automobile shelter and having one or more sides fully open.
- (bb) *Comprehensive plan* means a declaration of purposes, policies and programs for the development of the City for the future and adopted by the City Council as one document.
- ~~(u)(cc)~~ *Condominium* means an individually owned dwelling unit located in a multiple family dwelling; it may

include an undivided interest in the common areas and facilities on the premises.

~~(dd)~~ Congregate living facility means a building or part thereof containing multiple sleeping units designed or used by permanent residents who share common sanitation or cooking facilities, or both, located in the building consisting of individual dwelling units with complete living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation, as well as a common dining room and food preparation areas where meals are served on a daily basis. Occupants are permanent residents of at least 55 years of age. Such facilities include convents, shelters, dormitories, and fraternity or sorority houses among others, but not nursing homes or jails.

~~(v)~~(ee) Construction documents means written or graphic documents prepared or assembled for describing the design of, and providing other necessary information for, a project required to obtain a permit for relevant work.

~~(w)~~(ff) Court means an open and uncovered unoccupied space bounded on three or more sides by the exterior walls of a building or buildings on the same lot.

~~(x)~~(gg) Crematorium means a building where dead bodies are burned to ashes.

~~(y)~~(hh) Curb level means the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the city engineer shall establish such curb level or its equivalent for the purpose of this Cchapter.

(aa) Day care facility means any facility, licensed by the State of Minnesota commissioner of public welfare, public or private, which for gain or otherwise regularly provides two or more individuals with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the individual's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, nursery schools, daytime activity centers (D.A.C.-mentally retarded adults) and day services (adult activity programs). Nothing in this definition shall be construed to include mental health care centers, substance abuse treatment facilities, and any facility excluded by Minn. Stat. § 462.357, subd. 7.

(ab) Deck means an open exterior ~~floor or~~ platform supported on at least two opposing sides by an adjacent structure, building, and/or posts or piers and elevated above grade more than six inches at any point.

~~(ac)~~ Depth of rear yard means the mean horizontal distance between the rear line of the building and the centerline of an alley, where an alley exists, or a rear lot line.

(ad) Developer means the owner of the property, or a person or entity authorized in writing by the owner of the property to file the applications for the PUD or other land development and who will become the owner of the property prior to any development of the property.

(ae) District, zoning, means a section of the city for which the regulations governing the height, area and use of buildings and premises, along with other supplemental requirements, or building appearance are the same.

(af) District, downtown, district means an area in the city characterized by lack of parking and reduced yards and shown on the city zoning map as an overlay district and generally described as limited by Sixth Street, Lyon Street, First Street and Saratoga Street.

() District, Heritage, means an area in the city characterized by older, mostly original, buildings comprising the core of the downtown district and shown on the city zoning map as an overlay district.

() Drive-thru, drive-in, or drive-up means a business where customers drive through or into a specified place to complete a transaction from one's car, including obtaining and consuming food.

(ag) Dwelling means any building or portion of a building which is designed, intended, or used exclusively for permanent residential occupancy purposes by one or more persons human beings either permanently or transiently.

(ah) Dwelling, multiple family, means a building or a portion of a building containing designed use by more than two dwelling units families.

- (ai) *Dwelling, one-family*, means a building designed, intended, or used for permanent residential occupancy use exclusively by one family/housekeeping unit, and providing complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (aj) *Dwelling, two-family*, means a building containing two dwelling units~~designed for use by two families.~~
- (ak) *Dwelling unit* means a self-contained portion of a building designed, intended, or used for permanent residential occupancy exclusively by one housekeeping unit and providing complete, independent living facilities ~~for one or more individuals~~, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (al) *Earth sheltered building* means a building constructed so that 50 percent or more of the completed structure is covered with earth. An earth sheltered building is a complete structure that does not serve just as a foundation or substructure for aboveground construction. A partially completed building shall not be considered earth sheltered.
- (am) *Easement* means a grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining an access drive and/or utilities, public or private, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage courses, and gas lines.
- (an) *Façade or Building Elevation* means ~~that entire portion of any~~ exterior elevation of a building exposed to public view extending from the grade to the top of the roof edge or parapet wall of a building with a flat roof or the bottom of the eaves line of a building with a gambrel, mansard, gable, or hip roof, and the entire width of the building ~~elevation.~~
- ~~(ao) Family means any number of individuals related by blood, marriage or adoption living together on the premises as a single housekeeping unit.~~
- (ap) *Farming* means the cultivation of the soil or keeping farm animals, including and all related incidental activities, incident thereto for commercial purposes.
- ~~(aq) Final development plan means a final development plan based upon the preliminary development plan and presented by a PUD applicant as provided in section 86-140 and including the requirements set forth in that section.~~
- ~~(ar) Floor area means the sum of the gross horizontal areas of the all floors of a building measured from the exterior walls, including basements and attached accessory buildings.~~
- () Floor, main, means the lowest building level above grade.
- (as) *Footprint* means the area of the land covered by a building's foundation.
- (at) *Frontage* means that boundary of a lot that abuts a public or private street or, a private road for the signage area calculations, the length of such boundary.
- (au) *Free standing furnace* means a furnace or burner designed and intended and/or used for the burning of wood or other fuel sources, that is located outside of a structure for which it is intended to provide heat.
- (av) *Garage, private*, means a garage for storage of non-commercial power-driven vehicles belonging to property owners or tenants only and which is erected as an accessory building or is attached to the principal use building.
- (aw) *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, repair or kept for remuneration, hire or sale.
- (ax) *Garage sale (rummage sale, yard sale)* means any display and sale of used personal property conducted on residential premises by the occupant(s) of such property or on a parking lot of a community center, church, school, etc. by members of those institutions.
- () Gazebo means a roofed accessory building partially open on all sides, typically used for relaxation or entertainment.

- (ay) *Home occupation* means any occupation or business of a service or shop character, ~~except family day care,~~ conducted from the person's residence ~~and but~~ which is clearly secondary to the ~~principal main~~ use of the premises as a dwelling. For the purpose of this Chapter, family day care is not considered home occupation.
- (az) *Hotel or motel* means ~~any~~ building or portion of a building where lodging is offered to transient ~~(less than 30 days)~~ guests for compensation and in which there are more than ~~two five~~ sleeping ~~units rooms with no cooking facilities in an individual room.~~
- (ba) *Housekeeping unit* means all persons residing ~~together on the premises within a dwelling unit~~ whose relationship includes a substantial amount of social interaction including the sharing of housekeeping responsibilities and expenses.
- (bb) *Impervious surface* means ~~that portion of a parcel or lot which has a~~ surface covering which does not permit water to percolate into the natural soil.
- ~~(be) Interim use means a temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.~~
- (bd) *Junk or refuse* means any scrap, waste, reclaimable material, or debris, whether or not stored or used in conjunction with dismantling, processing, salvaging, storing, baling, disposal, or other use or disposition. "Junk" includes, but is not limited to, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood, and lumber.
- (be) *Junkyard* means open land ~~or buildings~~ where waste, discarded or salvaged materials, and products are brought, sold, exchanged, stored, cleaned, packed, disassembled, processed or handled; such materials and products which includes, but are is not limited to: scrap metal, rags, paper, rubber products, glass products, lumber products and products from for wrecking, disassembling and/or crushing of automobiles and other vehicles.
- () Landing means a platform at the top or bottom of a stair or a flight of stairs or in front of a door.
- (bf) *Lot or plot* means one unit of a recorded plat or subdivision or, if not a part of a plat, defined by meets and bounds, occupied or to be occupied by buildings, including as a minimum such open spaces as are required under this ~~C~~chapter and having at least one frontage ~~on a public right-of-way or a traveled or used~~ recorded public access.
- (bg) *Lot area* means the land area within the lot lines.
- (bh) *Lot, corner* means a lot situated at the junction of and fronting on two or more adjoining streets. For the purpose of this definition, a curved street changing direction by more than 60 degrees shall be considered two adjoining streets.
- (bi) *Lot depth* means the mean average distance between the front and rear lot lines; ~~in most cases,~~ it may be approximated as a distance between center points of the front and rear lot lines. For the purposes of this definition, the front lot line of a two-street the corner lot is the line opposite to the chosen rear lot line, yard and the front lot line of a three-street corner lot is the middle one. For a double frontage lot, lot depth means the average distance between two opposite front lot lines.
- (bj) *Lot, double frontage*, means an interior lot having frontage on two not adjoining streets.
- (bk) *Lot, flag*, means a lot with narrow or no frontage on the ~~street public right-of-way~~ where vehicular access is provided to the lot by means of a narrow portion of a lot or an access easement.
- (bl) *Lot, interior*, means a lot other than a corner lot.
- (bm) *Lot lines* means the lines bounding a lot and separating it from other lots ~~under public~~ right-of-ways.
- (bn) *Lot line, front*, means a lot line abutting a ~~dedicated public right-of-way except alleys street~~ or any other access way that provides only site access.
- (bo) *Lot line, side*, means any lot line adjacent to the front lot line other than a front or rear lot line, except two-street corner lots, where one of the lot lines adjacent to the front lot line shall be designated a rear lot line.
- (bp) *Lot line, rear*, means any lot line other than a front or side lot line and which is usually directly opposite the front lot line. ~~A lot may have only one rear lot line.~~
- (bq) *Lot, substandard*, means any lot which does not meet the minimum size requirements ~~lot area, length,~~

~~depth, width or other dimensional standards of this Chapter, including, but not limited to, setbacks and access requirements section.~~

(br) *Lot width* means the distance between end points of side lot lines at their intersection with the front lot line measured along the front lot line. For the purposes of this definition, the front lot line of a double frontage lot is the access side one.

~~(bs) *Lot width, average*, means the distance between side lot lines measured at a point halfway between front and rear lot lines.~~

(bt) *Manufactured home* means a structure, ~~not affixed to or part of real estate~~, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it. A recreational vehicle or trailer is not a manufactured home.

(bu) *Manufactured home park* means any site, lot, field or tract of land upon which two or more occupied, manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, ~~tent, vehicle~~ or enclosure used or intended for use as an accessory for part of the equipment of such manufactured home park.

(bv) *Marquee* means a flat-roofed structure that is wholly supported by the building to which it is attached.

(bw) *Nonconforming* means a use or a structure lawfully in existence on April 6, 1964, or on the effective date of amendments to this Cchapter, and not conforming to the current regulations for the zoning district in which it is situated.

() *Occupancy, permanent*, means residential occupancy other than transient.

() *Occupancy, transient*, means residential occupancy not exceeding 30 days or by a person who has permanent residency elsewhere.

(bx) *Outlot* means a tract of land, included in a plat, which is smaller than the minimum size permitted for lots and which is thereby declared unbuildable until combined through platting with additional land; or, a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting prior to development; or a parcel of land which is included in a plat and which is designated for public or private open space, right-of-way, utilities or other similar purposes.

() *Owner* means any person, agent, firm or corporation having a legal or equitable interest in the property.

(by) *Patio* means a flat structure made of concrete, brick, wood, or other building materials, elevated above adjacent grade with a height of six inches or less ~~from ground level from~~ at any point of the structure, ~~and not attached to a building.~~

() *Pergola* means a structure forming a shaded area and made of vertical posts or pillars that usually support cross beams and a sturdy open lattice.

() *Permit* means an official document issued by the City that authorizes performance of a specified activity.

(bz) *Pollinator gardens, or natural landscapes*, means intentionally designed and managed gardens that contain non-native plants or native species that are listed as pollinator-friendly plants by the State of Minnesota Board of Water and Soil Resources (MNBWSR) or one of MNBWSR's partner organizations with the maximum height of vegetation not to exceed fifteen inches; pollinator gardens may not include any noxious weeds or turf-grass lawns left unattended for the purpose of returning to a natural state, and shall be maintained to remove all unintended vegetation and cut at least once annually between April 15 and July 15 to a height no greater than fifteen(15) inches.

() *Porch, four-season, or sunroom* means a heated room with the glazing exceeding 40 percent of the exterior wall area.

() *Porch, open*, means a roofed deck surrounded by walls not higher than 42 inched, with or without window screens above.

() Porch, three-season, means an unheated room with the glazing exceeding 40 percent of the exterior wall area.

(ca) *Prefabricated building* means ~~any building intended for use, and regulated by the zoning ordinance and the State Building Code, as a one or two-family dwelling or an accessory building,~~ which is constructed, in full or in sections, off the building site, for installation, or assembly and installation, on the building site on the permanent foundation.

~~(cb) Preliminary development plan means a formal development plan in preliminary form presented by a PUD applicant as provided in section 86-140 and including the requirements set forth in that section.~~

~~(cc) Property means all land included within the PUD.~~

(cd) *PUD (planned unit development)* means a special zoning district which may include single or mixed uses, and one or more lots or parcels, where one or more of the zoning or subdivision regulations, except use regulations, may be waived or altered intended to create a more flexible, creative and efficient approach to the use of land and which is subject to the procedures, standards and regulations contained in this Chapter/article.

(ce) *PUD agreement* means the agreement to be entered into between the developer and the city to incorporate all term, requirements and conditions of the PUD approval.

() Recreational vehicle means a vehicle, motorized or towed, that is built on a single chassis and is designed for recreational, travel, or seasonal camping use. For the purposes of this Chapter, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle, camper, or motor home.

(cf) *Residential facility* means

(1) Any facility, licensed by the Department of Health and Human Service with the State of Minnesota public or private, which for gain or otherwise regularly provides one or more individuals with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the individual's own home. Residential facilities include, but are not limited to: state institutions under the control of the State of Minnesota, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, licensed sober houses, or schools for handicapped children. Nothing in this definition shall be construed to include any facility excluded by Minn. Stat. § 462.357, subd. 7.

(2) Any communal living facility, which, for gain or otherwise, provides one or more persons with education, support, or rehabilitation related to a disability recognized under the Fair Housing Act and which, because of the benefits of communal living, furthers their rehabilitation and access to housing, including sober houses operating in compliance with state law.

(cg) *Right-of-way* means at the publicly owned strip of land covered, or intended to be covered, by a public roadway or other vehicle or pedestrian path, including and adjacent land, which is dedicated, designated or reserved for public use.

(ch) *Roomer* means a person, not a part of a housekeeping unit, who rents a single room and resides with that housekeeping unit on a permanent basis in a dwelling with no right to cooking privileges or facilities ~~except occasional meals~~ and no special contract for food.

(ci) *Self-storage warehouse (ministorage)* means a building ~~subdivided~~ constructed into compartments of 500 square feet or less each, which are rented to individuals on a monthly basis for storage of personal property.

() Setback means the distance between the property line and the building on a lot.

~~(ej) Shopping center means a group of businesses occupying a common building or immediately adjacent buildings and having common private mall areas, parking areas, access, signage and other facilities.~~

~~(ek) Sign means a name, identification, description, display, illustration, device or lettered figure or pictorial symbol which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business and is displayed for the purpose of communicating a specific message.~~

- (cl) ~~Sign, abandoned~~, means any sign remaining without a message or whose display surface remains blank for a period of six months or more, or any sign pertaining to a time, event or purpose which no longer applies, or any sign remaining after demolition of a principal structure, or any sign applicable to a discontinued business unless evidence is provided that a business is temporarily suspended due to a change in ownership or management.
- (cm) ~~Sign, advertising~~, means a sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises where such sign is located. An advertising sign is the same as a billboard.
- (en) ~~Sign alteration~~ means any change, reconstruction, relocation or enlargement of a sign, or of any of its component parts. Routine maintenance, the changing of movable parts of signs which are designed for such changes, the repainting of sign copy and display matter, and replacement of a sign facing with the same size facing shall not be deemed to be an alteration within the context of this chapter.
- (co) ~~Sign, banner~~, means a temporary sign made of fabric, cloth, canvas, plastic sheathing or any other flexible non-rigid material with no enclosing framework temporarily mounted to a building, structure, or the ground at two or more edges.
- (cp) ~~Sign, balloon~~, means a temporary sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than 24 inches in diameter.
- (cq) ~~Sign, business~~, means a sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.
- (er) ~~Sign, construction~~, means a temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.
- (cs) ~~Sign, directional~~, means a sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas, which does not display advertising copy.
- (ct) ~~Sign, double-face~~, means a sign which has a message on opposite sides of a single structural component or is a spherical sign. The single structural component is counted as one sign.
- (cu) ~~Sign, dynamic display~~, means any sign in which display portion of a sign appears to have movement or that appears to change and which is caused by any method other than physically removing and replacing the sign or its components. This includes, among other types, electronic graphic display sign having a programmable display that has the capability to present text and/or symbolic imagery in motion and in a variety of colors, or any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink", incandescent bulbs, or any other method or technology that allows a sign face to present a series of images or displays.
- (cv) ~~Sign, electronic graphic display~~, means any sign or portion thereof that displays electronic, static or moving images, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. These signs include computer programmable, microprocessor controlled electronic or digital displays and projected images or messages with these characteristics onto buildings or other objects.
- (cw) ~~Sign, flag~~, means any fabric or similar lightweight piece of material attached at one end of the material, usually to a staff or pole but possibly to the underside of a roof structure, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.
- (ex) ~~Sign, flashing~~, means any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
- (cy) ~~Sign, flat~~, means a sign mounted parallel to the building surface and projecting no more than 18 inches.
- (cz) ~~Sign, freestanding~~, means a permanent non-movable sign supported upon the ground by poles,

~~pylons, braces, foundation, solid base or any other structure and not attached to any building.~~

- ~~(da) Sign, ground, means a freestanding sign with the sign face mounted on the ground or solid base or on the poles or pylon if the bottom edge of the sign display area is eight feet or less above the ground elevation at the base of the sign.~~
- ~~(db) Sign, holiday decoration, means temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.~~
- ~~(de) Sign, illuminated, means any sign which has characters, letters, figures, designs or outlines illuminated by external electric lights or by electric lights or luminous tubes as a part of the sign.~~
- ~~(dd) Sign, incidental, means a small sign, emblem, or decal less than two square feet in area placed on the exterior of a building, or attached to a freestanding structure on the premises, and informing the public.~~
- ~~(de) Sign, integral, means a sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure.~~
- ~~(df) Sign, multiple face, means a sign containing three or more faces. Each face shall be counted separately toward the maximum allowable sign area.~~
- ~~(dg) Sign, nameplate, means any sign which states the name or address, or both, but nothing else, of the business or occupant of the lot where the sign is placed.~~
- ~~(dh) Sign, political, means a temporary sign used in connection with a local, state or national election or referendum.~~
- ~~(di) Sign, portable advertising, means all signs that are not permanently affixed to a building or foundation structure, intended for temporary placement on sidewalk or anywhere on the lot and designed to be moved easily, and used for business promotion.~~
- ~~(dj) Sign, private sales or event, means a temporary sign advertising private sales of personal property such as house sales, garage sales, and the like or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, and craft shows or any charity fundraising.~~
- ~~(dk) Sign, projecting, means a sign mounted perpendicular to the building surface.~~
- ~~(di) Sign, public, means a sign of a public, non-commercial nature, to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.~~
- ~~(dm) Sign, pylon, means a freestanding sign erected upon a pole, post or other similar support so that the bottom edge of the sign display area is more than eight feet above the ground elevation at the base of the sign.~~
- ~~(dn) Sign, real estate, means a temporary sign advertising the real estate upon which the sign is located being for rent, lease or sale.~~
- ~~(do) Sign, roof, means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.~~
- ~~(dp) Sign, rotating or moving, means a sign which revolves or rotates on its axis by mechanical means or has otherwise moving parts.~~
- ~~(dq) Sign, surface area of, means the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, or in the case of letters, symbols, etc., not mounted on a common background, the area shall consist of the area within the continuous outside perimeter of each individual letter, symbol etc. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.~~

- ~~(dr) Sign, temporary transportable advertising, means all signs that are not permanently affixed to a building or foundation structure, mounted on wheels or supporting structure for the purpose of mobility.~~
- ~~(ds) Sign, window, means a sign attached to, placed upon, or painted on the interior of a window or mounted on the inside within the exterior wall thickness in the window opening and that is visible from the exterior of the building.~~
- ~~(dt) Sketch plan means an informal development plan presented by a PUD applicant as provided in section 86-140.~~
- () Sleeping unit means a room or a suite of rooms designed, intended, or used for transient occupancy and providing facilities for sleeping; it may also provide facilities for living, eating, sanitation, and limited cooking. Such rooms that are part of a dwelling unit are not considered sleeping units.
- ~~(du) Solar energy collector means any device or system and associated facilities that convert relying upon direct solar energy to electricity that is employed in the collection of solar energy for heating and/or cooling of a structure, building or water.~~
- ~~(dv) Solar energy system means any solar collector or other solar device or any structural design of a building whose primary purpose is to collect, convert or store solar energy for useful purposes including heating and cooling of buildings, domestic water heating, electric power generation, and other energy using processes.~~
- () Stacking lane means a waiting area for drivers who remain in their vehicles awaiting service at a drive through establishment.
- ~~(dw) Staff development review committee shall be means a group of people appointed by the city administrator and will to conduct a review of all development plans for any PUD. The committee shall include the city engineer, zoning administrator, and any other members of the city staff or city consultants as appropriate.~~
- () Story means a portion of a building included between the upper surface of a building floor and the upper surface of the floor or bottom surface of the roof above and located entirely above ground.
- ~~(dx) Story, half, means a finished 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, or, if not at exterior wall, not more than five feet above the story floor, and which is accessed through a permanent stair.~~
- ~~(dy) Street means a public roadway set aside for public vehicular traffic regardless of size or designation but excluding access and roadway easements and alleys as defined therein and driveways serving only one parcel of land. Streets may be public or private.~~
- ~~(dz) Structural alterations means any change in the supporting members of a building such as bearing walls, columns, beams or girders.~~
- ~~(ea) Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.~~
- () Tent means an independent temporary canopy structure, with or without side covers, constructed of fabric or other pliable material and supported by a lightweight, rigid frame.
- ~~(eb) Thoroughfare means a major public roadway set aside for heavy continuous vehicular traffic through the city and designated as such on the city zoning map.~~
- ~~(ec) Townhouse means three or more one-family dwellings under separate ownership constructed as a group of attached units in which each unit extends from the foundation to roof and has exterior walls on at least two sides.~~
- ~~(ed) Use means the purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.~~
- ~~(ee) Use, accessory, means a use occurring along with, and related to, the principal use in the same lot and occupying more than ten percent but less than 25 percent of the principal building total area or a separate accessory building.~~

() Use, conditional, means a use not normally permitted in a particular zoning district, but which may be allowed under certain conditions by the City Council action.

(ef) *Use, incidental*, means a use occurring along with, and related to, the principal use in the same lot and occupying ten percent or less of the principal building total area. Incidental use shall not be considered in determination of the zoning district placement.

() Use, interim, means a use not normally permitted in a particular zoning district, but which may be temporarily allowed by the City Council action until a particular date, until the occurrence of a particular event, or until the use is no longer allowed.

(eg) *Use, mixed*, means a single building containing more than one type of ~~land~~-use or a single development of more than one building and use, where different types of ~~land~~-uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

() Use, permitted, means a use formally allowed in a particular zoning district.

(eh) *Use, principal*, means the main use of the property occupying at least 75 percent of the building area and determining the zoning district placement.

(ei) *Variance* means a modification ~~or variation~~ of the provisions of this ~~C~~chapter as applied to a specific ~~piece of~~ property, which may be allowed under certain conditions by the City Council action ~~except that modification in the allowable uses within a district shall not be considered a variance.~~

(ej) *Wind energy conversion systems (WECS)* means any device or system, such as a wind charger, windmill, or wind turbine and associated facilities that convert ~~s~~ wind energy to electricity ~~electrical energy~~. ~~This definition includes any device used to convert wind power to other forms of energy such as mechanical or heat.~~

(ek) *Yard* means an open unoccupied, except for accessory buildings or structures, space lying between any lot line of the lot and the nearest line of the wall or any other vertical structural support of a principal use building.

(el) *Yard, front*, means a yard extending across the front of the lot between the lot side lines ~~and lying between the front line of the lot and the nearest line of the building.~~

(em) *Yard, rear*, means an yard open space unoccupied except for accessory buildings on the same lot with a building, extending across the rear of the lot between the lot side lines ~~and lying between the rear lines of the building and the rear line of the lot.~~

() Yard, rear, depth of, means the average distance between the rear line of the building and a rear lot line.

() Yard, required, means the minimum yard required in a particular zoning district.

(en) *Yard, side*, means an yard open unoccupied space between the building and the side line of the lot, and extending along the side lot lines between from the front lot line ~~and to~~ the rear lot line.

(Code 1976, § 11.04; Ord. No. 404 2nd series, § 1, 11-16-1998; Ord. No. 410 2nd series, § 1, 2-16-1999; Ord. No. 443, § 2, 11-6-2000; Ord. No. 472, § 1, 1-7-2002; Ord. No. 512 2nd series, 3-1-2004; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 609 2nd series, § 1, 4-28-2009; Ord. No. 615 2nd series, § 3, 10-27-2009; Ord. No. 619 2nd series, § 1, 6-8-2010; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 656 2nd series, § 1, 5-22-2012; Ord. No. 681 2nd series, § 1, 9-24-2013; Ord. No. 746 2nd series, § 1, 11-26-2019)

Cross reference(s)-Definitions generally, § 1-2.

HISTORY

Amended by Ord. 23-022 on 11/14/2023

Amended by Ord. 25-005 on 7/22/2025