

Sec. 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:

*Accessory building* means a subordinate building which is located on the same lot as the main use building and the use of which is clearly incidental to the use of the main building.

*Accessory equipment* means any permanent exterior structure which is located either on the same lot as the main use building or attached to any building on the lot and the use of which is clearly incidental to the use of the main 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, basketball 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.

*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.

*Alley* means a public way less than 30 feet in width which provides secondary access to abutting properties.

*Apartment* means a suite 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.

*Apartment building* means three or more apartments grouped in one building under single ownership and/or containing common public space.

*Assisted living facility* means a 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.

*Automobile wrecking*. See junkyards.

*Awning* means an 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 covering is attached.

*Balcony* means an exterior floor or platform projecting from and supported by the building to which it is attached without additional independent support.

*Basement* means a 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. This portion is not a completed structure and serves as a substructure or foundation for a building.

*Bed and breakfast facility* means any dwelling other than a hotel, motel, boardinghouse or lodginghouse where the breakfast meal and lodging for compensation are provided for persons pursuant to previous arrangements. Such persons (guests) customarily shall have use of facility common areas such as living room, dining room, library, etc.

*Boarder* means a person who lives in a dwelling with a special contract with the owner whereby the owner provides meals and lodging.

*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.

*Boulevard* means a portion of the street right-of-way not occupied by pavement.

*Brewpub* means a small brewery that serves and sells its product on premises in addition to off-premises sales. For the purpose of this article, brewpub is the same as taproom.

~~Mixed use 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.~~

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

*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.

*Patio* means a structure made of concrete, brick, wood, or other building materials, with a height of six inches or less from ground level from any point of the structure, and not attached to a building.

*Prefabricated building* means any building intended for use, and regulated by the zoning ordinance and building code, as a one- or two-family dwelling or an accessory building, which is constructed off the building site, for installation, or assembly and installation, on the building site on the permanent foundation.

*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.

*Property* means all land included within the PUD.

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

*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.

*Residential facility* means any facility, licensed by the commissioner of public welfare, 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 commissioner of public welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children. Nothing in this definition shall be construed to include any facility excluded by Minn. Stat. § 462.357, subd. 7.

*Right-of-way* means the land covered by a public roadway and adjacent land designated or reserved for public use.

*Roomer* means a person who rents a single room in a dwelling with no right to cooking privileges or facilities except occasional meals and no special contract for food.

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

*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.

*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.

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.

*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.

*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.

*Sketch plan* means an informal development plan presented by a PUD applicant as provided in section 86-140.

*Solar collector* means any device relying upon direct solar energy that is employed in the collection of solar energy for heating and/or cooling of a structure, building or water.

*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.

*Staff development review committee* shall be appointed by the city administrator and will conduct a review of all development plans for any PUD. The committee shall include the city engineer and any other members of the city staff or city consultants.

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

*Street* means a public way set aside for vehicular traffic regardless of size or designation but excluding alleys as defined therein and driveways serving only one parcel of land.

*Structural alterations* means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

*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.

*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.

*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.

*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.

*Use, accessory*, means a use occurring along with, and related to, the principal use in the same lot and occupying more than 10% but less than 25% of the principal building area or a separate accessory building incidental to the principal use of a lot or a building and located on the same lot as the principal use.

*Use, incidental*, means a use occurring along with, and related to, the principal use in the same lot and occupying 10% or less of the principal building area. Incidental use shall not be considered in determination of the zoning district placement.

*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, principal*, means the main use of the property occupying at least 75% of the building area and determining the zoning district placement.