ARTICLE X. DEFINITIONS AND LAND USE DESCRIPTIONS

DIVISION 1. LAND USE DESCRIPTIONS.

Sec. 36-477. Residential uses.

The following are typical of the residential uses referred to in this chapter.

Bed and breakfast establishment means a private, owner-occupied residence with guestrooms where temporary lodging facilities and some meals are provided to paying lodgers within single-family or two-family dwellings. The lodging is subordinate and incidental to the main residential use of the building. Indoor recreational facilities for the use of the residents and paying lodgers may be included.

Dwelling, existing single-unit detached means a fully detached unit located on an individual lot and intended for occupancy by a single-household that was in existence prior to August 3, 2026. This includes a manufactured home.

Dwelling, single-unit means a fully detached residence located on an individual lot and intended for occupancy by a single household. This includes a manufactured home.

Dwelling, two-unit (duplex) means attached residences designed for or occupied by two households living independently of one another, with both attached units located on one parcel.

Dwelling, attached two-unit (twinhome) means attached residences designed for or occupied by two households, where the attached units share at least one common wall, and each unit is on its own individual parcel.

Dwelling, detached courtyard cottages/bungalows means a cluster of multiple, individual detached dwelling units arranged around a shared courtyard or open space that is typically perpendicular to the street and where the shared courtyard takes the place of individual rear yards.

Dwelling, three unit means a single residential structure on a single lot which is designed with attached residences for the occupancy of three households living independently of one another; the attached units may share a common entrance or have individual entrances.

Dwelling, four unit means a single residential structure on a single lot which is designed with attached residences for the occupancy of four households living

DRAFT

independently of one another; the attached units may share a common entrance or have individual entrances.

Dwelling, townhouse means a single residential unit which is located within a larger residential structure containing multiple attached units and which is separated from the adjoining dwelling unit(s) by at least one common wall. Each dwelling unit may be located on its own individual lot or on a common lot containing all of the attached units. Each dwelling unit shall have separate and individual entrances. A small townhouse dwelling is in a structure with three or four units, while a large townhouse dwelling is in a building with between five and eight units.

Dwelling, apartment means a multiunit residential building that consists of side-by-side or stacked dwelling units on one lot and typically with a shared common entrance. A low-rise apartment has no more than three stories, a mid-rise apartment has between four and six stories, and a high-rise apartment has seven or more stories.

Dwelling, apartment mixed use means a mixed use building, primarily with non-residential uses on the ground floor and residential uses on upper floors. The residential uses consist of side-by-side or stacked dwelling units on one lot and typically with a shared common entrance. A low-rise building has no more than three stories, a mid-rise building has between four and six stories, and a high-rise building has seven or more stories. This description includes the term “mixed use apartment dwelling.”

Group home/non-statutory means occupancy of a residential structure by persons in need of specialized treatment or protection and resident staff who usually live together as a housekeeping unit for a limited period of time. This use may include outpatient group counseling, some supervision, forced detention, treatment for mental illness and drug addiction, protective shelter, half-way house, and release programs. The facility may be licensed by the state but is not mandated.

Hostel means a lodging facility operated under the auspices of a national or international hostel organization which has dormitory rooms available for rent by members. The facility has common cooking and eating facilities and may have common restroom facilities. The duration of stay is typically short and the facility has a resident manager.

Hotel/motel means facilities which provide overnight lodging in individual rooms or suites of rooms, each having a private bathroom, which are rented by day or week. These facilities may include in-room or in-suite kitchens and recreational facilities for use by lodgers. Restaurants, banquet rooms, arcades, fitness centers and other facilities available to non-lodgers are not considered accessory uses.

DRAFT

Live-work unit means a dwelling unit that includes a shop, office, studio, or other work space for the gainful employment of a resident of the dwelling unit.

Manufactured home park means a parcel of land under single control or ownership which has been developed for the placement of manufactured homes for residential use.

Nursing home means a licensed health care facility providing lodging and 24-hour care for medically or physically impaired persons usually on a long-term basis. Residents of the facility do not have private apartments or kitchens. This use includes a food service and may include supporting medical and retail services for the residents.

Roominghouse means a building where lodging is provided for between three and eight persons and is the primary residence of the owner. Lodging is available on an extended basis rather than daily or weekly. No provision for cooking is provided in any of the rooms occupied by lodgers.

Short-term rental means leasing a residential dwelling unit or accessory dwelling unit for a term of less than one month.

State-licensed residential facility means a state-licensed and state-mandated residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time. The use includes outpatient group counseling, some supervision and treatment programs. The maximum number of clients served is specified by state law which may be amended from time to time. Persons served may include persons with an intellectual disability and/or those that are severely physically handicapped.

Sec. 36-478. Public, social, and institutional uses.

The following are typical of the institutional uses referred to in this chapter.

Business/trade school/college means a training establishment or institution serving adults and sometimes high school age persons which provides training and/or education toward a skill, license or degree.

Community center means a place, structure, area or other facility which is open to the public and designed to accommodate and serve significant segments of the community and which is used for educational, religious, fraternal, social and recreational programs. This use may include accessory food service and accessory retail shops.

DRAFT

Educational facility means neighborhood, community, district or regional based education services normally provided to children through young adult age. The use may include evening or off-hour services to adults in the community. This use may be public or private, and generally includes an accessory food service and some retail facilities to serve students and faculty.

Hospital means a facility which provides health services primarily for human inpatient medical or surgical care, including related facilities, such as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Characteristics include large institutionally designed buildings, large volumes of traffic, large parking lots or ramps, 24-hour activity, service vehicles, large quantities of waste, and emergency vehicles.

Indoor entertainment means entertainment services provided entirely within an enclosed building. It includes libraries, museums, art galleries, theaters, health or fitness centers, bowling alleys, arcades, roller rinks, and pool halls. Characteristics may include late operating hours, outdoor lighting, noise, and traffic.

Library means a facility where collections of books and other materials are housed in a building which is open to the public during regularly scheduled hours which may include weekend days and evenings. Books and other materials may be available for loan. Characteristics may include high parking demand and high traffic generation.

Medical/dental office means a facility which provides direct delivery of health-related examination and services or treatment to customers on an appointment or walk-in basis; and includes counseling, consultation, chiropractic, and podiatry. The use may include a supporting retail component for medicine, health-related food, or other product.

Municipal, county, state, or federal administrative or service facility means a room, group of rooms, or portion of a building that is used for conducting government affairs including post office, police, and fire stations. It may include various services and programs conducted by the city.

Place of assembly means facilities designed to accommodate large groups of people having shared goals, desires or interests that are not customarily business related. Characteristics may include large group meetings or activities with peak parking demands and noise. This use may include the sale of food and beverages, but if the floor area devoted to food or beverage sales exceeds 50% of the total gross floor area of the facility, then the facility will be classified as a restaurant.

DRAFT

Police/fire station means facilities designed to serve the public health and safety. They may include an office component, the storage of fire trucks, police cars and equipment, and the boarding of personnel within an enclosed building. It may also include various services and programs conducted by the city. Characteristics may include sporadic periods of loud noise, sirens, and activity.

Religious institution means a facility where people gather to relate or manifest faithful devotion to an acknowledged ultimate reality or deity. This use is characterized by meeting rooms, education and training about the religion, worship practice, indoor activities, intermittent parking needs, group singing or chanting, and music. The assembly typically meets on weekends or evenings. Accessory uses which may accompany the principal use include day care, park and ride, and dwelling units for clergy, employees, or persons similarly associated with the religious institution.

Sec. 36-479. Commercial uses.

The following are typical of the institutional uses referred to in this chapter.

Adult day care means a nonresidential facility that provides care to functionally impaired adults on a regular basis for periods of less than 24 hours in a structure which is not the residence of the person being served or the facility operator. Some characteristics of this use are similar to family day care and nursing homes. This use is appropriate in commercial areas provided there is accessibility to outdoor areas for sitting and exercise. Persons being served are most like nursing home residents.

Animal handling means the sale, boarding, treatment and care of privately-owned small animal pets which may include dogs, cats, other mammals, fish and reptiles but excludes large animals such as horses, farm animals or animals raised for slaughter. Characteristics may include special refuse, storage, noise, odor and other nuisance characteristics.

Animal handling, limited means any animal handling use such as veterinary clinics, pet stores, and pet grooming that do not include boarding, daycare, or outdoor off leash recreation space for animals. The use may require an animal to be kept overnight on-site for treatment but does not include boarding or animal daycares.

Appliance, small engine and bicycle repair means maintenance and repair of appliances, small engines, bicycles and similar items. Characteristics include some outdoor activity and noise.

Autobody/painting means a facility for painting, straightening, replacing and repairing

DRAFT

the frame and body parts of motor vehicles usually damaged as result of an accident. It includes the outdoor storage of damaged and dismantled vehicles and may generate odor and noise. This use excludes junkyards and automobile wrecking yards.

Bank means a facility for the deposit, management and lending of money, frequently with accessory drive-up facility. This use includes banks and savings and loans but not insurance companies and stock brokerage firms. Characteristics may include high peak hour traffic on certain days.

Cannabis retailer means a retailer that can purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products and other products allowed by the State of Minnesota from other cannabis businesses and sell or otherwise convey them to customers.

Car wash means a facility designed to wash automobiles and light trucks with little or no human intervention. The facility utilizes automated equipment and wash cycles are relatively short. These facilities are typically accessory to other automotive related land uses and may sporadically cause congestion on its site.

Catering means an operation where food is either fully or partially prepared on site and delivered to the customer off site for final preparation and consumption. Characteristics include truck traffic, refuse storage issues, limited on-site public contact, and possible odors from materials and processing.

Coffee shop means an establishment that primarily sells coffee and coffee-related accessories. They may also sell other refreshment items such as donuts, bagels, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages. Limited indoor seating is generally provided for patrons, but table service is not provided.

Dry cleaning or laundering facility means a facility where clothing, diapers, or other fabrics are cleaned by dry cleaning or laundering processes. Materials to be cleaned may be brought to the site either by pickup and delivery trucks operated as part of the business or by customers who drop off and pick up their own materials to be cleaned. The use may include the storage of delivery vehicles on the site.

Food service means the on-site sale of food and beverages which are prepared and served in individual portions in a ready-to-consume state for consumption either on-site or off-site, including seating for not more than 10 persons. Characteristics may include truck and vehicle traffic, cooking odors and refuse. As an accessory use, this use is often found in conjunction with motor fuel stations and grocery stores.

DRAFT

Funeral home means a facility where funeral services are held and where embalming and other processes occur in preparation of the dead for burial. It may include the storage of caskets, funeral urns and other related funeral supplies, and it usually provides vehicles to transport the dead to the place of burial. This use does not include a crematorium.

Grocery store means a retail sales and services establishment where a majority of the sales area is dedicated to the sale of food products such as staple foods and accessory food items.

Group day care/nursery school means a nonresidential facility where childcare, protection and supervision services are provided for a fee on a regular basis for periods of less than 24 hours.

Liquor store means a facility principally for the retail sale of pre-packaged alcoholic beverages for off-premises consumption.

Lower-potency hemp edible retailer means a retailer that sells lower-potency hemp edibles to consumers.

Medical and dental laboratories mean facilities in which individually produced and made-to-order medical and dental prosthetics are crafted for the specific needs of specific individuals. Characteristics may include hours of operation of 7:00 a.m. to 6:00 p.m., daily deliveries to and from the facilities by car, van or light truck, minimal heavy truck traffic, no use of outside storage and occasional visitation of facilities by customers needing specialized attention as to the make-up and fit of their specific prosthesis.

Motor fuel station means a facility which supplies and dispenses at retail motor fuels, including electrical charging, directly into a motor vehicle; it also includes the sale of lubricants, batteries, tires and motor vehicle accessories. Motor fuels may be self-serve or dispensed by an attendant. Light maintenance activities to vehicles including engine tune-ups, lubrication, repairs, and carburetor cleaning may also be conducted. Motor fuel stations may also include facilities for the retail electric charging of vehicles. Characteristics include outdoor activity, high traffic generation and extended hours of operation. This use excludes heavy automobile repair including, but not limited to, engine overhauls, automobile painting, and bodywork.

Motor vehicle sales means display, sale, and rental of automobiles, trucks and recreational vehicles from an indoor showroom facility and may include an outdoor sales lot; motor vehicle and repair and autobody/painting often occur in conjunction with this use. Characteristics may include outdoor activity, banners and lights for promotion and

DRAFT

advertising, outdoor sound systems, truck deliveries, night and weekend operating hours, and test driving on nearby streets.

Motor vehicles service and repair means repair, lubrication, washing, detailing, equipment installation, engine overhauls, and other similar uses involving automobiles, trucks and recreational vehicles. Characteristics may include the storage of vehicles, truck traffic, night and weekend operating hours; motor fuel stations and autobody/painting are excluded.

Office means a facility in which the handling of information or the performance of administrative services is conducted. It includes services provided to persons both on-site and off-site on a walk in or appointment basis such as counseling or indirect or nonpersonal service such as real estate, travel agencies, financial agencies, insurance offices and professional offices. This description excludes hospitals or other medical facilities; except it may include up to a maximum of 10% of the gross floor area in medical or dental offices. Characteristics include high peak period traffic generation and 8:00 a.m. to 5:00 p.m. hours of operation.

Parcel delivery service/post office means a facility for the transshipment of letters and packages generally less than 100 pounds in weight. Customers may purchase stamps, money orders, insurance, and other mail services. Hours of operation are similar to those of offices but may include Saturdays. Characteristics include high volumes of truck and automobile traffic, and vehicles stored on premises overnight.

Pawnshop means a facility where money is loaned based on the value of goods deposited at the facility by the borrower of the money, which goods are held by the lender of the money occupying the facility as collateral for the loan. Items held by the lender which are not redeemed by a borrower may be put up for sale at the facility to the general public. The term pawnshop includes a facility where all or any part of the pawnshop activities are conducted.

Payday loan agency means any business that has as its primary activity the providing of short-term loans for the borrower's own personal, family, or household purpose which are usually for a period of 45 days or less. Payday loan agencies do not include banks.

Research and development mean a facility for basic and applied research or product development. It may include the testing of agricultural, biological, chemical, magnetic, mechanical, optical or other components in advance of product manufacturing. The work completed may result in the creation of new goods or new intellectual property. Research and development do not result in noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties. This use does

DRAFT

not involve the fabrication, mass manufacture, or processing of products. This use may include medical, optical, or dental laboratories.

Restaurant means an establishment whose principal business is the sale of food and beverages which are prepared and served in individual portions in a ready-to-consume state for consumption on site. This use is often found in conjunction with bars, hotels, and food service. It is preferably located on major thoroughfares with no access to residential streets. Characteristics include late hours of operation, refuse, high car and truck traffic generation, and cooking odors. Outdoor seating is considered an accessory use. A food service or deli is not considered to be a restaurant if seating is provided for 10 or fewer persons. Restaurant uses are divided into the following subcategories:

(1) **Restaurant, sit-down:** Sit-down eating establishments that may allow or require reservations. Patrons commonly wait to be seated, are served by wait staff, order from a menu, and pay after the meal. Lounge or bar facilities may be accessory uses. Sale of lower potency hemp edibles and cannabis edibles for consumption on-site, with the appropriate licenses or registrations, may be an accessory use.

(2) **Restaurant, fast-food with or without drive-through window:** This restaurant type features large carry-out clientele, long hours of service, and high turnover rate for dine-in customers (around 30 minutes). There is no or limited table service, and customers typically order from a menu board and pay before receiving the meal. Sale of lower potency hemp edibles and cannabis edibles for consumption on-site, with the appropriate licenses or registrations, may be an accessory use.

Retail means a facility where merchandise or equipment is displayed and rented or sold and where delivery of merchandise or equipment to the ultimate consumer is made. This use includes limited production, repair or processing as an accessory use. Hours of operation generally begin after the a.m. peak traffic period and extend to time ranges from 5:00 p.m. to 10:00 p.m.; although some convenience stores and grocery stores are open 24 hours per day. Characteristics generally include high parking demand and high off-peak traffic generation; generally prefers high visibility and access to major thoroughfares. This use includes but is not limited to camera shops, clothing stores, department stores, grocery stores, discount stores, jewelry stores, delicatessens, retail bakeries, parcel drop-off locations, toy stores and large item retail; but excludes restaurants, bars, pawn shops, motor vehicle sales, motor fuel stations, cannabis retailers and lower-potency hemp edible retailers.

(1) **Retail, large item** means a facility where large item merchandise or equipment is displayed and rented or sold and where delivery of merchandise or equipment to the ultimate customer is made. Characteristics generally include hours of operation between 9:00 a.m. and 9:00 p.m. weekdays and weekends. The parking demand per square foot of building area is normally less than the demand for general retail. This use includes but is not limited to, furniture stores, carpet stores, large appliance stores; but excludes motor vehicle sales and pawnshops.

DRAFT

Service means on-site service provided directly to an individual. This use includes barbershops, beauty shops, therapeutic massage, nail salon, laundromats, shoe repair shops, and dry cleaners where articles to be cleaned are picked up and delivered by the patron. This use excludes pawnshops.

Self-storage facility means any real property designed and used for the purpose of renting or leasing individual storage space to individuals, organizations, or businesses who are to have access to such facility for the purpose of storing and removing personal property; a self-storage facility is not a warehouse/storage facility.

Sexually oriented business means any limited impact sexually oriented business or any high impact sexually oriented business.

(1) **Limited impact sexually-oriented business** means a business where sexually-oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided, and which meets the following restrictions:
   a. All sexually oriented materials must be provided for use or entertainment off the business premises only.
   b. All sexually oriented materials must be provided from a separate area to which persons under the age of 18 years are prohibited access.
   c. The separate area may not exceed a maximum of 20% of the retail floor area of the establishment, or 300 square feet, whichever is less.
   d. No person outside the separate area shall be able to perceive or observe any sexually oriented materials at any time, including when someone is entering or exiting the separate area, shopping, or purchasing sexually oriented materials.
   e. A sign must be displayed on the entrance to the separate area, which shall read: "No person under the age of 18 years is allowed in this area." The sign letter shall be a minimum of two inches high; and
   f. The entry into the separate area shall be visible to an employee of the business at all times.

(2) **High impact sexually oriented busines***s* means any business with materials or entertainment which are principally related to sexual stimulation or gratification other than a limited impact sexually oriented business. Examples of a high impact sexually oriented business include the following:
   a. A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, exhibited, or otherwise provided for use or entertainment on the business premises.
   b. A business where specified sexual activities (as defined herein) are explicitly verbally described or shown.
   c. A business where specified anatomical areas (as defined herein) are explicitly verbally described or shown.

DRAFT

d. A business providing sexually oriented materials for off-site use or entertainment, which has a separate area but does not meet the size or other restrictions to qualify as a limited impact sexually oriented business; and

e. A business providing sexually oriented materials for off-site use or entertainment, where the sexually oriented materials are dispersed within the business rather than isolated in a separate area.

(3) **Definitions.** For the purpose of this subsection, the following definitions shall apply:

a. **Sexually oriented materials** means visual, printed, or aural materials, and other objects or devices, which:

1. Contain, depict, or describe specified sexual activities or specified anatomical areas; and

2. Are marketed for use in conjunction with, or are primarily used only with or during, the specified sexual activities described in provision (3)c.1.-5. of this section, or as part of the binding, fettering, or other physical restraint described in provision (3)c.6. below.

b. **Specified anatomical areas** means:

1. Less than completely and opaquely covered human genitals, pubic area, buttock, anus, or female breast below a point immediately above the top of the areola; and

2. Human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.

c. **Specified sexual activities** means:

1. Actual or simulated sexual intercourse of any kind involving two humans, or one human and an animal or object.

2. Actual or simulated masturbation.

3. Actual or simulated sadism or masochism.

4. Actual or simulated sexual stimulation of any kind.

5. Situations involving a person who is nude, clad in undergarments, or in a revealing costume, and who is engaged in activities involving binding, fettering, or other physical restraint of that or another person; and

6. Sexually oriented touching of an animal by a human.

(4) **Sexually oriented businesses.** Sexually oriented businesses exclude the following:

a. Any material with significant literary content or social commentary.

b. A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided for off-site use or entertainment, if: the material harmful to minors on each item is blocked from view by an opaque cover as required under state statutes section 617.293, and each item is behind the counter and accessible only by an employee of the business.

c. Displays of sexually oriented materials may occur up to six times per year without rendering a business a high impact sexually oriented business, if the

DRAFT

displays are limited to an area which has been leased to a person or business for their exclusive occupancy for a private party, and the only people in attendance have received advance invitation from that person or company.

d. Any person or organization exempted under state statutes section 617.295.
e. Any activity regulated under state statutes section 617.251.
f. Any business may display works of art showing specified anatomical areas, so long as no sexually oriented materials are for sale, and the business does not have a liquor license.
g. Movies rated G, PG, PG-13, or R.

Shopping center, community means a cluster of commercial uses planned, owned, and managed as a unit that has common vehicular site access and parking facilities. A community shopping center generally contains one or more anchor stores along with other stores, personal services, and restaurants that draw customers from a city- or regional-market area. Community shopping centers may include more than one building and more than one contiguous property and owner if approved under a single conditional use permit or planned unit development. A community shopping center may include vendor markets.

Shopping center, neighborhood means a smaller cluster of commercial uses planned, owned, and managed as a unit that has common vehicular site access and parking facilities as well as a pedestrian-friendly physical design. A neighborhood shopping center generally contains stores, personal services, and restaurants that serve the day-to-day needs of customers in the adjacent neighborhoods and may include a grocery store. Neighborhood shopping centers may include more than one building and more than one contiguous property and owner if approved under a single conditional use permit or planned unit development.

Showroom means the display only of samples of merchandise and equipment where a sales agreement with a consumer is conducted and delivery of purchased merchandise is made from a warehouse that is not accessible to the consumer. Merchandise or equipment which is displayed is typically large bulky items and includes, but is not limited to, furniture, appliances, plumbing fixtures, lighting, and carpeting.

Studio means a facility where the practice or study of the visual and audio arts or health and physical fitness occurs. This use may include painting, sculpturing, photography, recording, radio and television studios. This use also includes dance studios and studios for martial arts and group fitness classes. This use does not include large industrial photography or printing processes.

DRAFT

Vendor market means an area, open, partially enclosed, or indoor, at which vendors gather or where an operator leases spaces/stalls for the sales of items including personal property, foods products, or plants and flowers.

Sec. 36-480. Recreation uses.

The following are typical of the recreation uses referred to in this chapter.

Commercial entertainment (outdoor) means outdoor facilities operated as a business and which are open to the public for a fee that shall include, but are not limited to, golf courses, outdoor swimming pools, amusement parks, and other similar businesses. Such facility may also provide a snack bar, restaurant, retail sales of related items, and other support facilities.

Country club means a golf course and associated clubhouse which may contain locker and shower rooms, dining and bar facilities, meeting rooms and other spaces for large social functions. Country clubs are typically open only to members.

Golf course means a facility for playing golf outdoors which consists of golf holes, clubhouse facilities which may contain lockers, shower rooms and incidental sale of golf related items, and off-street parking facilities.

Parks/open space means passive recreation including hiking trails, natural areas, wildlife areas, arboretums, open grass areas and tot lots. This includes accessory buildings that are related to the park and open space use. It also includes various services and programs conducted by the city.

Parks/recreation means areas for active outdoor recreation activities such as baseball diamonds, tennis courts, basketball courts, playfields, playgrounds, outdoor swimming pools, fitness courses and driving ranges. This includes accessory buildings that are related to the park and recreation use. It also includes various services and programs conducted by the city.

Sec. 36-481. Industrial uses.

The following are typical of the industrial uses referred to in this chapter.

Anaerobic digester means an enclosed system in which controlled anaerobic digestion occurs, converting organic material into end-products such as biogas, fertilizer, water, or other solids. Characteristics may include truck traffic, odor or noises.

Cannabis operation means a facility where cannabis is grown, processed or manufactured into various products such as edibles, concentrates, wax, oils, and tinctures.

DRAFT

Composting operation means the collection, storage, processing, disposal, and distribution of vegetation. Recycling of nonorganic materials is excluded.

Hemp processor means a facility that converts raw hemp into a product for commercial purposes. Hemp plants or hemp plant parts are refined from their natural or original state after harvest by refinement such as, but not limited to, decortication, devitalization, extraction, crushing, or packaging.

Manufacturing/processing means a facility for the production of a physical commodity or changing the form of a raw ingredient. It may include administrative offices, warehousing, and limited distribution and sale of a commodity. Concrete plants, junkyards, slaughterhouses, rendering plants, salvage yards, and auto reduction plants are excluded.

(1) **Manufacturing/processing, light** means any operation which assembles, improves, treats, processes, compounds and/or packages goods or materials in a manner which does not create a noticeable amount of noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place. This use may include small offices, warehousing or distribution. This use does not include outdoor storage or overnight outdoor storage of commercial vehicles. This use includes lower-potency hemp edible manufacturers.

Microbrewery means a facility that produces not more than 3,500 barrels of malt liquor in a calendar year as regulated by state statutes, as may be amended, and may or may not include a brewer taproom.

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

Outdoor storage means the receiving, keeping and/or shipping of goods and materials outside of an enclosed building where outdoor activity includes only the unloading, loading, and keeping of materials. This use may include storage yards for fleet vehicles, contractors, equipment, lumber, landscaping materials, construction materials and shipping materials. Storage of unlicensed or inoperable vehicles or other materials typically associated with a junkyard, salvage yard or auto reduction plant are excluded.

Printing facility means a facility in which retail-oriented graphic and photographic reproductive services are conducted. This does not include industrial operations where printing is of a commercial nature.

DRAFT

Printing facility, industrial means a commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

Recycling operation means a facility located within an enclosed building for the collection, sorting, temporary storage, and shipment of recoverable resources including, but not limited to, newspapers, cardboard, glassware, metal cans and plastic.

Warehouse/storage means a facility for receiving, holding, shipping and occasional packaging of commodities. With the exception of loading and unloading of commodities, and parking and storage of trailers, all functions shall be within an enclosed building. Characteristics may include high truck traffic generation and low parking demand. This use may include, but is not limited to, conventional warehouse facilities, mini warehouse, and joint warehouse and storage facilities.

Sec. 36-482. Transportation and utility uses.

Communication tower means a free-standing structure the primary purpose of which is to support one or more antennae and includes accessory uses directly related to the tower, such as utility buildings. Communication tower includes wireless support structure.

Freight terminal means short term storage and transshipment of materials and the outdoor storage of trucks and related equipment. Characteristics include high volumes of large truck traffic.

Parking ramp means a structure built for the storage of licensed, operable motor vehicles for periods of less than 24 hours. Characteristics may include noise, exhaust fume odor, heavy traffic and large structure mass and footprint.

Public service structure means facilities which include water towers, utility and public service-related distribution facilities, and wastewater and storm drainage structures, but exclude utility substations.

Transit station means on-site loading, unloading and transferring of passengers on, off or between public transportation ground vehicles. Parking lots and parking ramps frequently are located in conjunction with the station.

Utility substation means a structure of electrical components to transform high voltage electricity into lesser voltages to make it suitable for distribution to end users. The use

DRAFT

consists of a large structure and numerous power lines which are difficult to screen and are classified as land use intensity 10. This use has minimal outdoor activity and traffic generation.

Wireless telecommunication facility. Equipment used to provide wireless telecommunication or data services, including all antennas, radios, support devices, equipment including ground equipment, associated cables, and attachments.

(1) **Micro wireless facility** means a small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

(2) **Small wireless facility.** A wireless facility that meets both of the following qualifications:
   a. Each antenna is located inside an enclosure of no more than six cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and
   b. All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfers switches, cutoff switches, cable, conduit, vertical cable runs for connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or
      1. A micro wireless facility

(3) **Wireless facility.** Equipment at a fixed location that enables the provision of wireless services between user and equipment and a wireless service network, including: (1) equipment associated with wireless service; (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) a small wireless facility. Wireless facility does not include: (1) wireless support structures, (2) wireline backhaul facilities, or (3) coaxial or fiber-optic cables between utility poles or wireless support structures, or that are not otherwise immediately adjacent to or directly associated with a specific antenna.

(4) **Wireless service.** Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi whether at a fixed location or by means of a mobile device that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522 clause (6).

(5) **Wireless support structure.** A new or existing structure designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

DRAFT

Sec. 36-483. Accessory uses.

The following are typical of the accessory uses referred to in this chapter.

Accessory dwelling unit means a dwelling unit complying with the state building code, which is located within a principal single-unit dwelling or in an accessory building to a single-unit dwelling. The types of accessory dwelling units include the following:

(1) An attached accessory dwelling unit is located within a principal dwelling.

(2) A detached accessory dwelling unit is located as a freestanding building on the same lot as the principal dwelling.

Bar means a facility where the primary use is the sale of alcoholic beverages for consumption on the premises.

Communication antenna means any free-standing structure or device attached to a building, pole, tower, utility structure, or similar structure used for the purpose of collecting or transmitting electromagnetic waves through the air, including but not limited to small wireless facilities, wireless facilities, wireless telecommunication facilities, directional antennas, such as panels, microwaves dishes, and satellite dishes, and omni-directional antennas, such as whip antennas, except for building-mounted antennas for private use on the premises where it is located, such as amateur radio antennas, and antennas receiving television or radio signals.

Community garden means a piece of land gardened or cultivated by a group of people individually or collectively.

Family day care means a facility that provides care, protection, and supervision of children in a private residence for periods of less than 24 hours for a fee. 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 or helpers are set forth in state law which may be amended from time to time. This use may be licensed by other agencies.

Gardening and other horticultural uses means the use of land for the growing or production of fruits, vegetables or flowers for personal use.

Helistop means a facility for the landing and taking off of helicopters used for transportation purposes but with no facilities for the service of helicopters.

Home occupation means an occupation, profession, or activity conducted in a dwelling unit, which is clearly an incidental and subordinate use to the residential use and which

DRAFT

does not alter the exterior of the property or affect the residential character of the neighborhood.

In-vehicle sale or service means sales or service to persons in vehicles. It may include drive-in, drive-up, drive-through facilities, and car washes. It does not include motor fuel stations, curbside pick-up or automated tell machines (ATMs).

Mikvah pool means a ceremonial pool that is constructed to meet certain traditional requirements to serve primarily Jewish women.

Off-street parking area means private off-street parking spaces that are not accessible to the public.

Outdoor seating and service of food and beverages means a specific area for dining which is accessory to a principal restaurant or food service establishment use.

Parks service facility means public service facilities in open space or small structures operated by the parks department, that host recreation activities including grilling areas. It also includes various service and programs conducted by the city.

Public transit stop/shelter means a small, roofed structure located near a street and designed primarily for the protection and convenience of public transit passengers.

Solar energy system. A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.

(1) **Solar energy system - building-integrated** means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to active photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.

(2) **Solar energy system - building-mounted** means a solar energy system affixed to a principal or accessory building.

(3) **Solar energy system – freestanding** means a solar energy system with a supporting framework that is placed on or anchored in the ground and that is independent of any building or other structure. Garages, carports, or similar structures that incorporate building-integrated or building-mounted solar energy systems shall not be classified as freestanding solar energy systems and shall instead be subject to regulations governing accessory structures.

DRAFT

(4) **Solar collector surface** means any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

(5) **Solar energy** is radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Student housing means specialized residential accommodations designed for students, typically in close proximity to the school.

Wind energy conversion system (WECS) means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, tower, electrical components, foundation, transformer, and electrical cabling from the tower to building or substation(s) and their support facilities.

(1) **Wind energy conversion system, building mounted** means a wind energy conversion system that is attached to a building for structural support.

(2) **Wind energy conversion system height** means the distance measured from the lowest exterior grade at the base of the WECS to the highest point of any component of a WECS.

(3) **Wind energy conversion system tower** means a support structure to which the nacelle and rotor are attached.

Sec. 36-484. Temporary uses.

The following are typical of the temporary uses referred to in this chapter.

Agricultural commodities sales means the temporary display and sale of Christmas trees and other greens which are associated with Christmas, flowers and produce.

Building construction structure means a structure used by a contractor or leasing agent as an office or for storage purposes for a construction project for which a building permit has been secured and is in effect. This use includes construction trailers, sales and leasing.

Carnival and festivals mean carnivals, festivals, community art fairs, and other activities that include uses such as entertainment, amusement rides, and/or the sale of food and merchandise. This use shall not include sales or promotional events offered by businesses with the intent of selling product or services identical or similar to those typically sold or conducted on the lot.

Garage sale means the temporary sale of home-crafted items and used household goods by the owner, resident and/or neighbors of a property. Garage sales include estate, rummage, basement, yard, porch or similar sales conducted at a residentially zoned and/or used property.

DRAFT

Mobile use means a commercial activity conducted as a temporary use within a vehicle.

Mobile use, food means a vehicle or cart used to sell food and/or beverages to the consumer. It may or may not involve preparation of the food or beverage inside the vehicle.

Mobile use, medical means a vehicle used for the following: blood mobiles, immunization, medical evaluation, imaging, diagnostic or testing procedure. Mobile use, medical also includes pet care when limited to immunizations and exams. Mobile use, medical does not include massage or any type of treatment or surgery.

On-site equipment storage means any structure or outdoor storage area designed for the on-site storage of construction equipment and materials for an active construction project.

Outdoor sales, temporary, means the display and sale of merchandise other than agricultural commodities outside of an enclosed building where it is offered in conjunction with an established use that legally sells the same or similar merchandise within a building on the same site.

Pollution abatement equipment means equipment and structures that are erected or installed on a property for the purpose of eliminating or abating ground or water pollution.

Temporary structure means a building other than a construction structure used for a period not exceeding six months.

DIVISION 2. GENERAL DEFINITIONS.

Sec. 36-485. General 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:

Abandonment means to cease or 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.

DRAFT

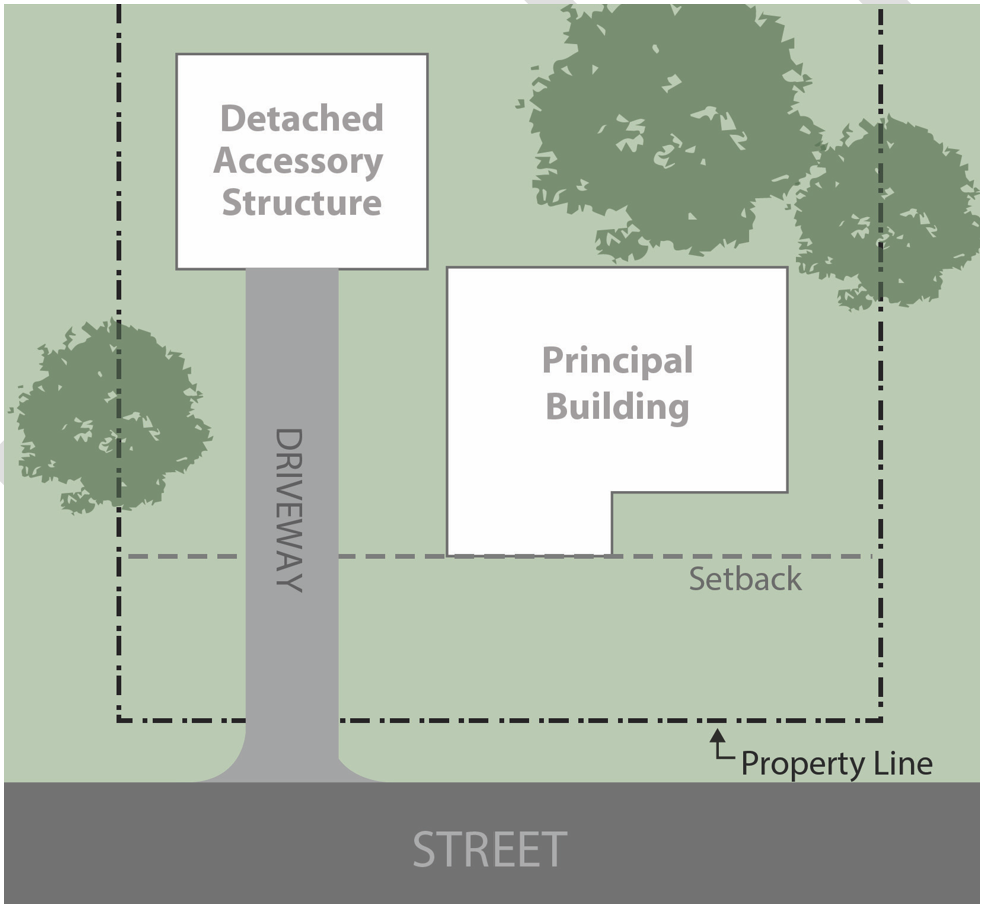
Abutting means having a common border or boundary with or being separated from such a common border by an alley. This term is used interchangeably with adjacent and adjoining.

Access aisle and aisle mean the traveled way by which vehicles enter and depart parking spaces.

Accessory use means a use subordinate to the principal use on the same land and customarily incidental thereto.

Accessory building means a detached building subordinate to the principal building, the use of which is incidental to that of the principal building or to the use of the premises. Examples include, but are not limited to, detached garages, storage sheds and gazebos.

Figure 36-485(a). Detached accessory structure.



Accessory structure means a structure subordinate to the principal building, the use of which is incidental to that of the principal building or to the principal use of the premises. Examples include, but are not limited to, decks, fencing, cisterns or rainwater

collection systems, grills or ovens, play equipment, and landscape features such as a pergola.

Adjacent means having a common border or boundary with or being separated from such a common border by an alley. This term is used interchangeably with abutting and adjoining.

Adjoining means having a common border or boundary with or being separated from such a common border by an alley. This term is used interchangeably with abutting and adjacent.

Alley means a public right of way, with a width not exceeding 24 feet nor less than 12 feet which affords a secondary means of access to property abutting the alley.

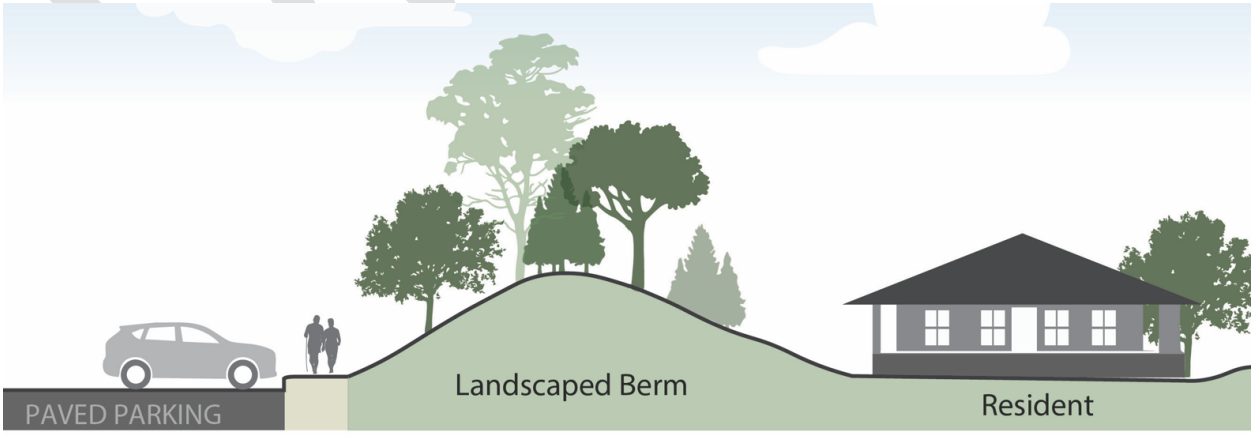
Alteration means any change, addition, or modification in construction or occupancy of an existing structure or modification to the surface of the ground.

Awning means a structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted against the building.

Basement means that portion of the building having more than half the ground floor-to-ceiling height below the average grade of the adjoining ground.

Berm means a land alteration where fill is added to the surface of the ground in order to create an earthen mound or hill generally used in conjunction with walls, fences or plant materials to screen one parcel of land from another or from a street.

Figure 36-485(b). Berm.



Block front means the distance between intersections along one side of a street.

Boarder or roomer means a person who occupies a bedroom or room as a lodging unit within a dwelling unit or roominghouse for a fixed time, usually through a lease arrangement with the property owner.

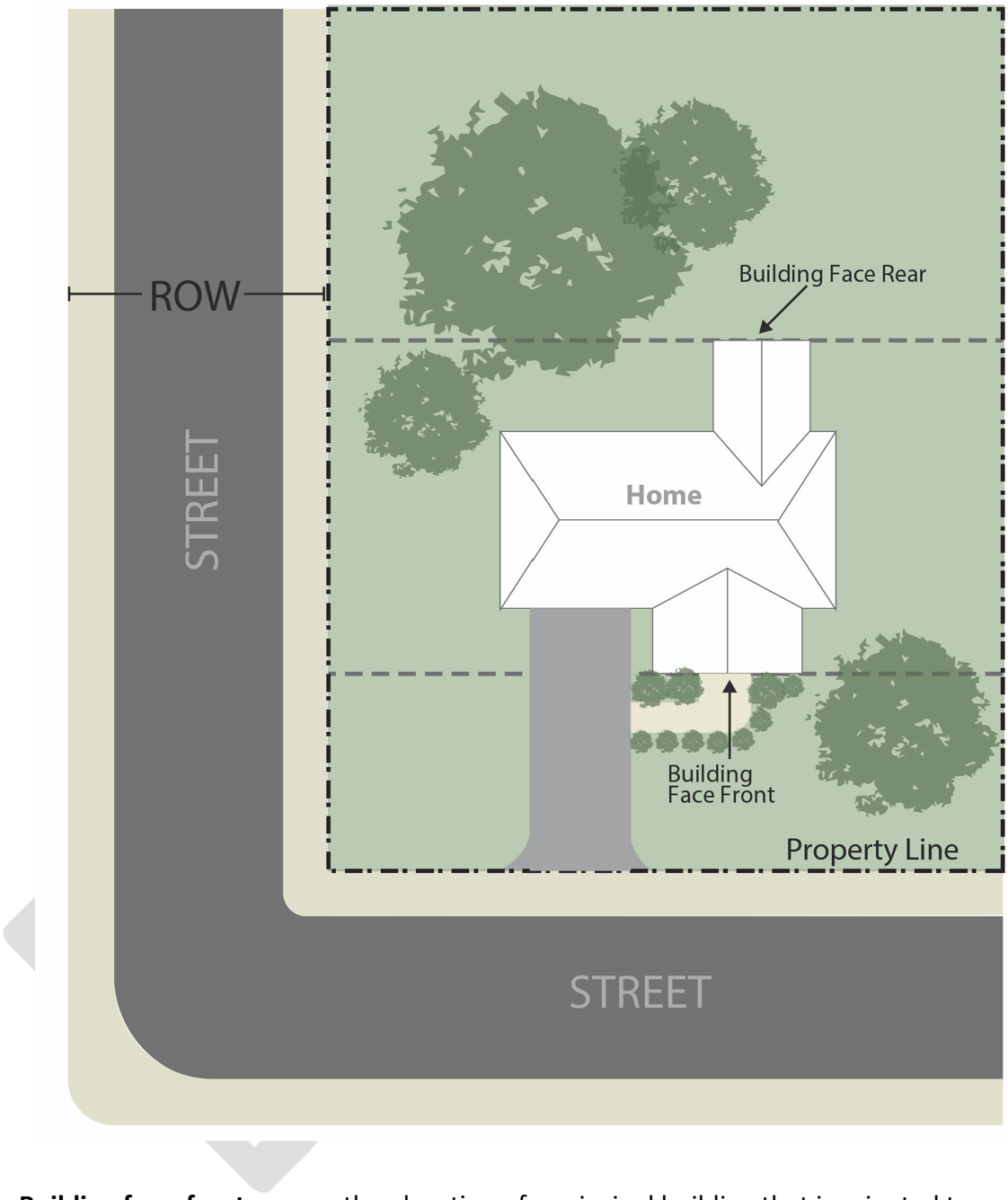
Boulevard means that portion of a street right of way between the curbline and property line.

Building means any structure having a roof which may provide shelter or enclosure of persons, animals or personal property.

Building face means that portion of the exterior wall of a structure which shall lie in a vertical plane. One face shall be terminated by an exterior angle of at least 210 degrees formed by two exterior walls each being at least 18 feet in length or a curved portion of such exterior wall which shall have a central angle of 30 degrees or more.

DRAFT

Figure 36-485(c). Building faces.



Building face, front, means the elevation of a principal building that is oriented toward the front lot line of an interior lot. On a corner lot, the front building face may be oriented toward the front lot line or a side lot line adjacent to a street. The front face of the principal building contains an entry to the building and that entrance is more architecturally prominent when viewed from public streets. Said entrance does not include an overhead garage door. When it is ambiguous, the zoning administrator determines which is the front face of the building.

Building face, rear, means the elevation of a principal building that is opposite the front face of the same principal building.

Caliper inch means a unit of measurement describing the diameter of a tree measured one foot above the finished grade level.

Cannabis edible means any product that is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid in combination with food ingredients; is not a drug; and is a type of product approved for sale by the state of Minnesota, or is substantially similar to a product approved by the state of Minnesota including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods. This does not include lower-potency hemp edibles.

Cannabis product means cannabis concentrate, a product infused with cannabinoids including but not limited to tetrahydrocannabinol extracted or derived from cannabis plants or cannabis flower, or any other product that contains cannabis concentrate. It includes all adult-use cannabis products, including but not limited to cannabis edibles and medical cannabinoid products. It does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

Canopy means a structure, other than an awning, made of cloth, metal, or other material affixed to a building that is often built to serve the same purpose as an awning but cannot be raised or retracted against a building. In addition, a canopy can also be defined as a structure which is free standing, or nearly free standing, and designed to provide shelter.

Canopy tree means a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Carport means a space for the housing or storage of motor vehicles and enclosed on not more than two sides.

Channel means the natural or artificial depression of perceptible extent along Minnehaha Creek with a definite bed and bank to confine and conduct flowing water, either continuously or periodically.

Cisterns and rainwater collection systems means a container or series of containers for the collection and reuse of rainwater. A cistern may be exempted from inclusion in the Site Impervious Area calculation.

DRAFT

City means the City of St. Louis Park, a municipal corporation, along with its duly authorized boards, commissions and representatives.

Commercial vehicle means a motor vehicle that meets the following requirements:

(1) The vehicle is a dump truck, a step van, a tow truck, a semi-tractor or trailer, a tank truck, a tractor, a bus, a cargo truck, a construction vehicle or equipment, an earth-moving vehicle or equipment, a van or pickup with a manufacturer's nominal rated carrying capacity of more than one ton, or any other vehicle which is used in connection with commercial activities.

(2) Commercial equipment has been added to the vehicle such as winches or snowplows.

(3) Commercial racks have been added to the vehicle for the purpose of holding equipment or materials.

(4) The vehicle is a pickup with a nonstandard pickup box; or

(5) The vehicle is a trailer loaded with another commercial vehicle or commercial equipment.

Commuter bicycle facility means bike lockers or bike storage room(s), on-site showers, and a bicycle repair station.

Conditional use means a specific type of structure or land use which is permitted by this chapter only after an in-depth review procedure set forth in section 36-452 and with appropriate conditions or restrictions as provided in this chapter and upon finding that:

(1) Certain conditions as detailed in this chapter exist; and

(2) The structure and land use conform to the comprehensive plan and are compatible with the existing neighborhood.

Condominium means an estate of real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building. A condominium may include, in addition, a separate interest in other portions of such real property, such as garage space or in the case of cluster development, a townhouse or cluster development lot.

Courtyard means an outdoor area enclosed by a building facade on at least three sides and open to the sky.

Curb level means the grade elevation, as established by the city, at the curb in front of the center of the building. Where no curb level has been established, the director of public works shall determine a curb level or its equivalent for the purpose of this chapter.

DRAFT

Customer floor area means that part of the gross floor area of a commercial establishment used by and accessible to the public, except public restrooms.

Deciduous means a plant with foliage that is shed annually.

Density means the number of dwelling units per acre of net lot area.

Designed Outdoor Recreational Area (DORA) means designed outdoor space intended for passive or active recreation accessible and suited to the needs of residents and/or employees. The area shall be functional and aesthetic, designed with clear edges, relate to the principal building or buildings, include sidewalk connections, seating, landscaping, and other amenities. The area should be compatible with or enlarge upon existing pedestrian links and public parks or open space and may include swimming pools, tot lots, courtyards, plazas, picnic areas, and trails within natural areas. Outdoor recreational areas shall not include driveways, parking areas, steep slopes, or ponds designed solely for stormwater retention.

Development means all structures, land uses, and other modifications of the existing landscape above and below ground or water, on a single parcel, or on more than one parcel if covered by a single planned unit development or conditional use permit.

Diameter at standard height (dsh) means the diameter of a tree measured at a height of 4 1/2 feet from the ground level.

District. See the definition, "Use district."

Dog kennel means any premises where four or more dogs, over four months of age, are owned, boarded, bred, or offered for sale.

Door hood means a rigid, roof-like structure affording shelter attached to the exterior walls of a building or structure in an approved manner and erected only over an entrance to a building or structure.

Drip line means a vertical line extending from the outermost branches of a tree to the ground.

Driveway means an improved access which connects an off-street parking space to the public right of way.

DRAFT

Dwelling means a building, or one or more parts of a building occupied or intended to be occupied exclusively for residence purposes, but not including rooms in motels, hotels, nursing homes, boardinghouses, trailers, tents, cabins or trailer coaches.

Dwelling unit means one or more rooms physically arranged to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement means the grant of one or more of the property rights by the owner to, or for the use by, the public, public utility, corporation, or another person or entity.

Effective date of the ordinance from which this chapter is derived means XXXX, the effective date of Ordinance No. 26-XXXX.

Electric vehicle.

(1) **Accessible electric vehicle charging station** means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

(2) **Battery charging station** means an electrical component, assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

(3) **Battery electric vehicle** means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.

(4) **Charging levels** means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC are the most common charging levels, and include the following specifications:

  (a) Level 1 is considered slow charging with 120v outlets.

  (b) Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.

  (c) DC is considered fast or rapid charging. Voltage is greater than 240.

(5) **Electric vehicle** means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes. "Electric vehicle" includes:

  (a) Battery electric vehicle.

  (b) Plug-in hybrid electric vehicle.

(6) **Electric vehicle charging stations (EVCS)** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

DRAFT

(7) **Electric vehicle charging station – private restricted use** means an electric vehicle charging station that is:
   (a) Privately owned and restricted access (e.g., single-unit dwelling, executive parking, designated employee parking, assigned parking at multiunit residential buildings); or
   (b) Publicly owned and restricted (e.g., fleet parking with no access to the general public).

(8) **Electric vehicle charging station – public use** means an electric vehicle charging station that is:
   (a) Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or
   (b) Privately owned and available to visitors of the use (e.g., shopping center parking).

(9) **Electric vehicle supply equipment (EVSE)** means any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.

(10) **Electric vehicle infrastructure** means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

(11) **Electric vehicle parking space** means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

(12) **'Electrical capacity'** shall mean, at minimum:
   (a) Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger.
   (b) Conduit from an electric panel to future EVCS location(s).

(13) **Plug-in hybrid electric vehicle** means an electric vehicle that:
   (a) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor.
   (b) Charges its battery primarily by connecting to the grid or other off-board electrical source.
   (c) May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
   (d) Has the ability to travel powered by electricity.

Enclosed pedestrian walkway means an enclosed link between two buildings on the same or separate lots designed solely for the purpose of transporting pedestrians.

Equal degree of encroachment means a method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.

DRAFT

Essential services include, but are not limited to, underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, fire alarm boxes, police call boxes, traffic signals, hydrants, or other equipment and accessories in conjunction therewith, bridges, roads, and railroads.

Evergreen means a plant with foliage that persists and remains green year-round.

Excavation means the removal of soil, rock, minerals, debris, or organic substances other than vegetation from a parcel of land.

Expansion means an increase in the floor area or volume of an existing building.

Facade means the exterior wall of a building exposed to public view.

Family means one of the following:

(1) Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care.
(2) Up to four people not so related, living together as a single housekeeping unit.
(3) Any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency or for other reasons.
(4) Any individual, who is the owner, living and maintaining a common household and using a common cooking and kitchen facility.

Fence means any artificially constructed barrier of any material or combination of materials erected to enclose, divide, or screen areas of land.

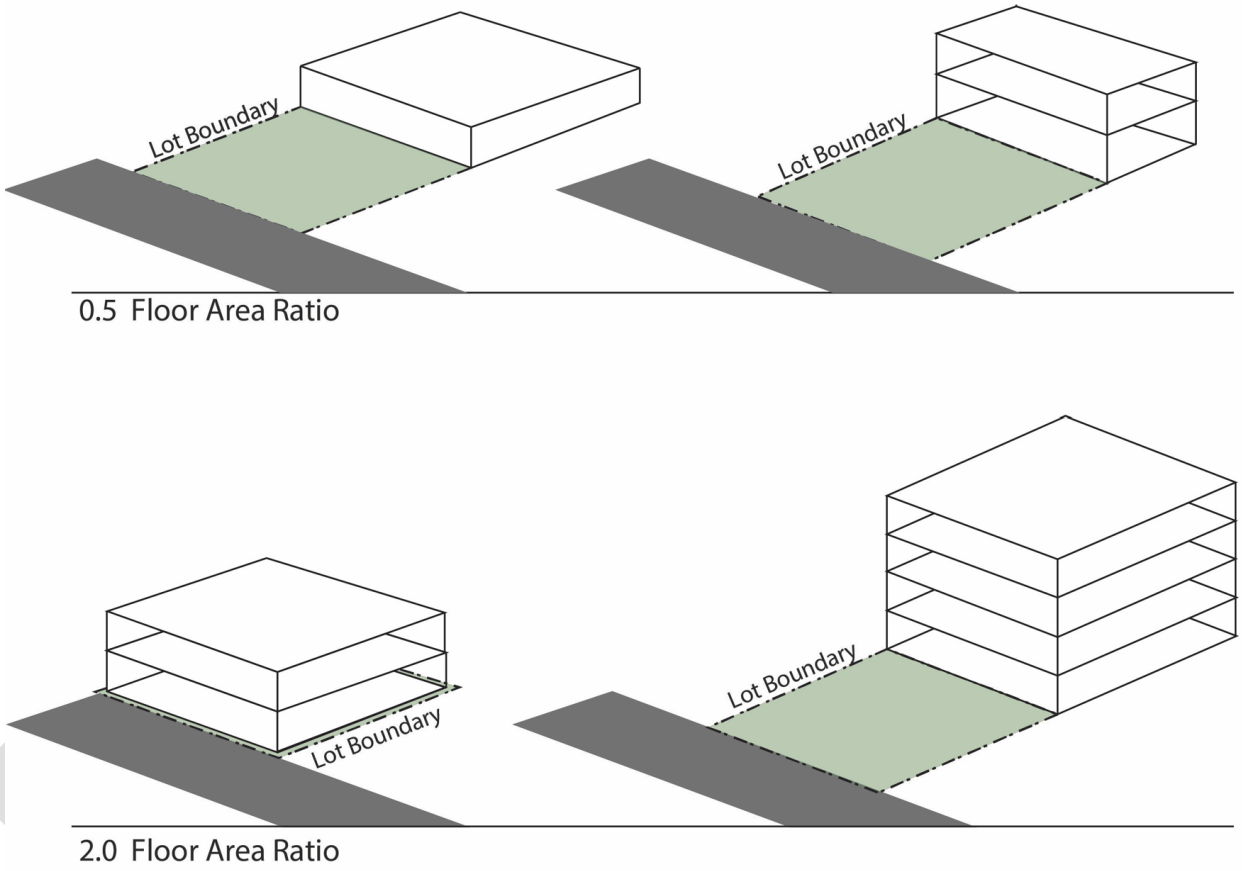
Filling means the placement of sand, gravel, earth, or other materials of any composition on a parcel of land. Also see the definition, "Land reclamation."

Floor area means the sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements, attics, penthouses, and attached accessory buildings. Measurements shall be made from the inside of exterior walls and to the center of interior walls. For the purposes of determining off-street parking requirements, inside off-street parking or loading space is excluded from floor area.

DRAFT

Floor area ratio (FAR) means the numerical value obtained by dividing the total floor area of buildings excluding the basement by the lot area on which such buildings are located.

Figure 36-485(d). Floor area ratio (FAR).



Food waste means all food, including meat, poultry, seafood, dairy, bread, fruits and vegetables, cheese, eggshells, rice, beans, pasta, coffee grounds and filters, tea bags, bones and other plate scrapings, and garden food waste (e.g., tomatoes, pumpkins).

Foster family home means a family home where children out of their own homes are cared for 24 hours a day for a period of 30 days or more.

Garage, private, means a detached accessory building or portion of the principal building, including a carport, which is situated on the same lot as the principal building used primarily for storing motor vehicles with no facilities for mechanical service or repair of a commercial nature.

Grade means the average elevation of the finished ground level at the midpoint of all walls of a building, or in the case of signs, the average elevation of the finished ground level at the base of a sign. This definition includes the terms finished grade and mean ground level.

Grading means excavating, filling or other changes in the earth's natural topography, including stockpiling of earth or land.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 18 inches at maturity.

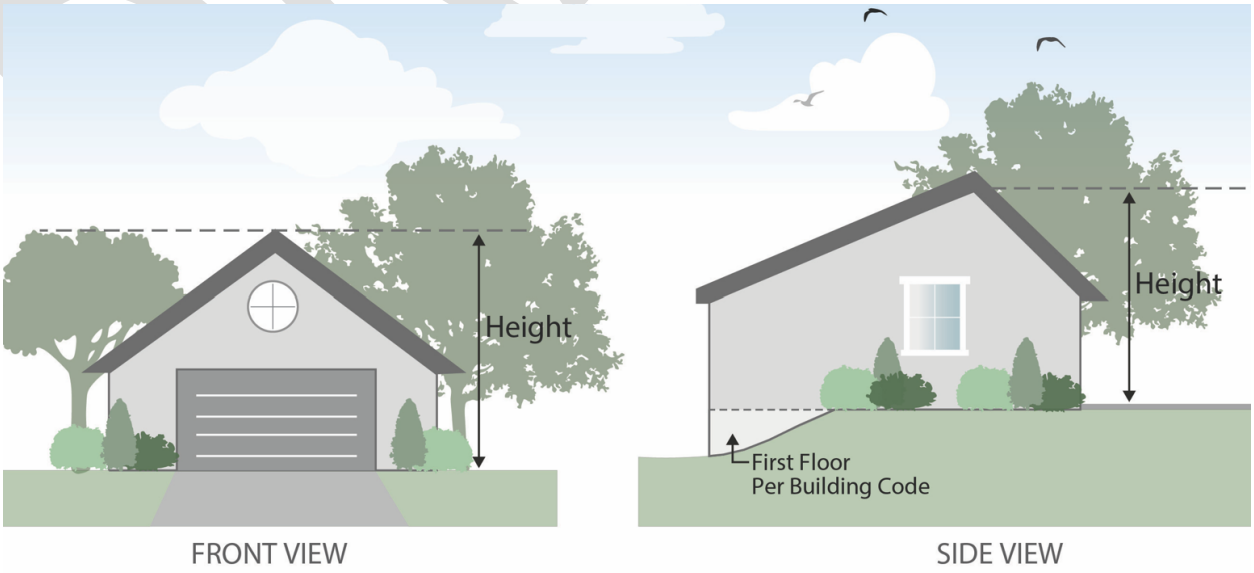
Ground floor area means the lot area covered by a principal building measured from the exterior faces of exterior walls but excluding decks and terraces.

Ground floor transparency means the measurement of the percentage of a facade that has highly transparent, low reflectance windows at the pedestrian level, measured between 2' and 8' above grade.

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs.

Height, accessory building means a distance to be measured from the first story elevation, as defined by building code, to the highest point of the structure.

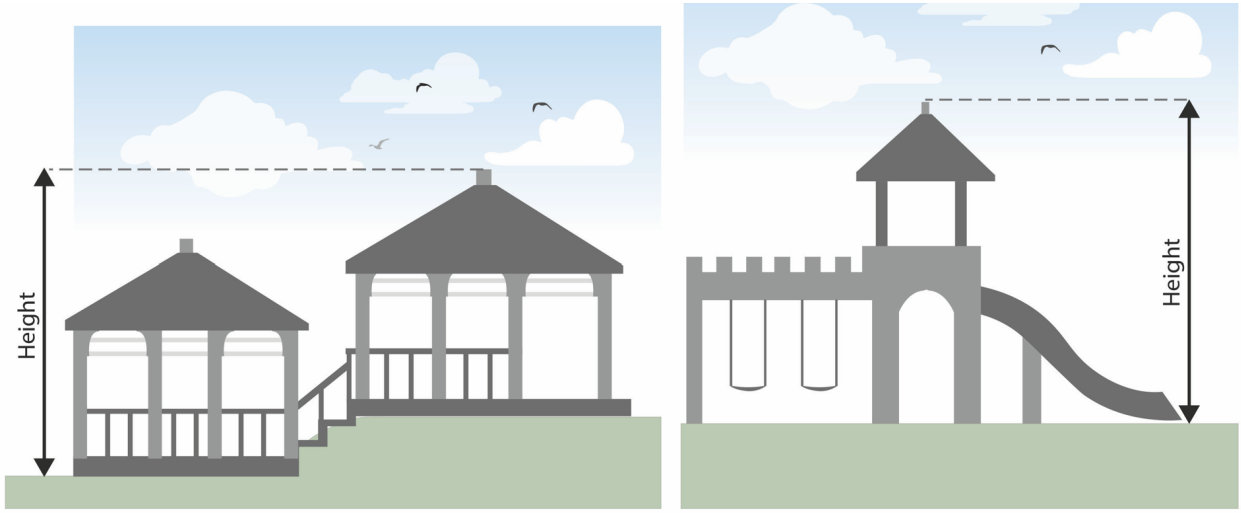
Figure 36-485(e). Height, accessory building.



DRAFT

Height, accessory structure. A distance to be measured from the lowest exterior grade at the base of the structure to the highest point of the structure.

Figure 36-485(f). Height, accessory structure.

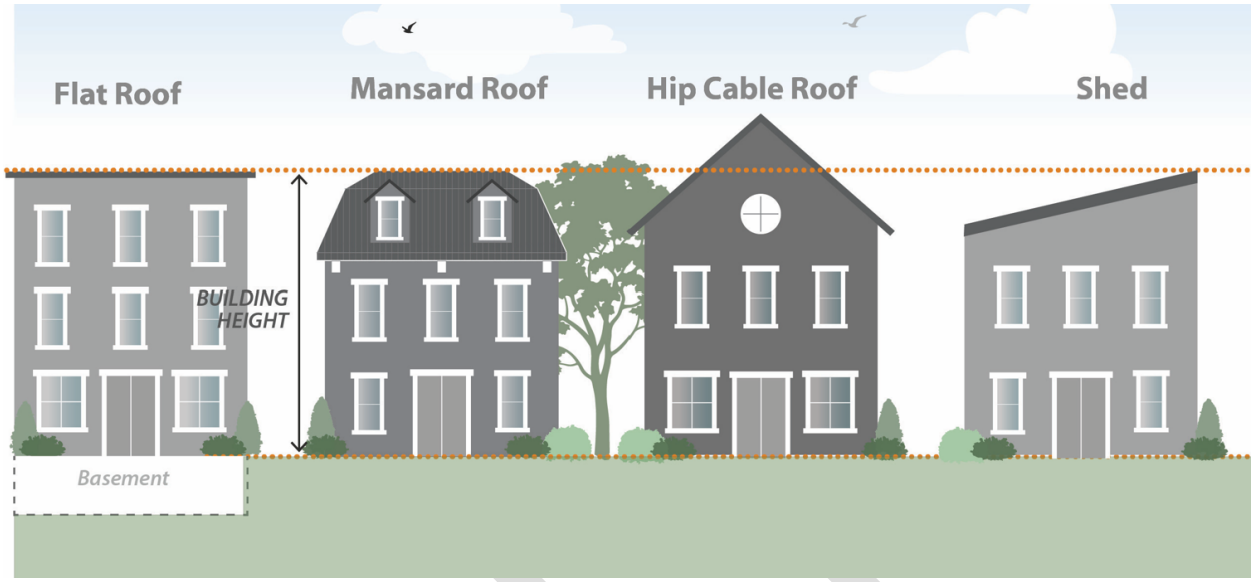


Height, communication towers and antennas means the height of a communication tower or antenna which is not attached to a building shall be determined by measuring the vertical distance from the point of contact with the ground of the communication tower or antenna to the highest point of the communication tower, or antenna, including, in the case of a communication tower, all antennas and other attachments.

Height, principal building means the distance to be measured from either the mean curb level along the front lot line, or from the finished grade level for all that portion of the structure facing the front lot line, whichever is higher, to the top of the parapet of a flat roof; to the deck line of a mansard roof; to a point on the roof directly above the highest wall of a shed roof; to the upper most point on a round or other arch type roof; or to the mean distance of the highest gable on a pitched or hip roof.

DRAFT

Figure 36-485(g). Height, principal building.



Hemp-derived consumer product means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and either contains or consists of hemp plant parts, or contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients. It does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

Heritage tree means any healthy tree, with the exception of Salix (willow), Siberian elm, and black locust that is at least 30 diameter inches at standard height for deciduous trees and at least 25 diameter inches at standard height for coniferous trees. Aspen, box elder, cottonwood, or silver maple are considered heritage trees if they are at least 30 inches in diameter at standard height.

Household. See the definition, "Family."

Impervious surface means a surface that has been built on, compacted or covered with a layer of material so that it is resistant to infiltration by water. It includes buildings, decks and surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced driveways, streets, roofs, sidewalks, parking lots, and other similar structures. Swimming pools shall not be considered impervious.

Impervious surface coverage means the amount of the net lot area that can be occupied or encumbered by an impervious surface.

Intensity classification means a measure of the magnitude and impact of a land use on the environment and neighboring land uses. Variables include, but are not limited to, the levels of traffic that are generated, degree of lot coverage, building height, impervious surface, and density of development.

Intoxicating liquor license (on-sale) means an on-sale liquor license issued by the city council which permits the sale and consumption on the licensed premises of all types of legal liquor including spirits, wine, and malt liquor.

Irrigation system means a permanent, artificial watering system designed to transport and distribute water to plants.

Land reclamation means the reclaiming of land by depositing fill material to elevate the grade. See the definition, "Filling."

Level of service means the traffic capacity of an intersection or roadway based upon criteria established by the Institute of Traffic Engineers, as amended periodically.

Lot means a parcel of land created by an existing subdivision or described on a deed which has been recorded in the office of the register of deeds or registrar of titles of the county, and which is occupied or used or intended for occupancy or use and has common ownership in its entirety.

Lot, buildable, means a lot which meets the minimum lot width and area requirements of the use district in which it is located, and which has frontage on a right of way for street or alley purposes. If the lot was subdivided as part of a cluster housing development, access to a public street may be by private street.

Lot, corner, means a lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at a point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

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

Lot, substandard means a lot or parcel of land that does not meet the definition of a buildable lot or does not meet the provisions of section 36-45.

Lot, through means a lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot.

Lot area means the area of a lot in a horizontal plane bounded by the lot lines.

DRAFT

Lot area, net, means the total lot area excluding area or easement encumbered by a wetland, public waters, public parks and trails, public open space, rights-of-way, and other areas identified or protected by local ordinances such as steep slopes, floodplains, and bluffs.

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

Lot line means the property line bounding a lot except that where any portion of a lot extends into the public right of way, street easement, or proposed public right of way, the line of such public right of way or street easement shall be the lot line for applying this chapter.

(1) **Lot line, front** means that boundary of a lot which abuts a 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 in the office of the division of inspections. If a parcel has multiple sides on more than two street frontages, the front lot line shall be determined by the zoning administrator.
(2) **Lot line, rear** means a lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. For a lot bounded by only three lot lines, 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.
(3) **Lot line, side** means a lot line which intersects with a front lot line.

Lot of record means any lot which is one parcel 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 the county prior to the effective date of the ordinance from which this chapter is derived.

Lot width means the horizontal distance between the side lot lines measured at the required front yard line.

Lower-potency hemp edible means any product that is intended to be eaten or consumed as a beverage by humans; contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients; is not a drug; is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods; and meets other criteria outlined in state statutes.

DRAFT

Manufactured home means a structure, 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 square feet or more, 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 therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under state law.

Micro storefront means a commercial or industrial space a maximum of 1,500 square feet in size only for a small local business.

Mining means the extraction and removal of sand, gravel, or other earthen material from a parcel of land for purposes other than excavating for the construction of a structure or grading a site

Mobile food vehicle means a vehicle or cart used to prepare and serve food and/or beverages.

Motor vehicle means every vehicle which is self-propelled. This does not include lawn mowers or snow blowers.

Mulch means nonliving organic, synthetic, and rock materials customarily used in landscape design to retard erosion and retain moisture.

Mural means any work of art that is professionally applied to the exterior of a building or structure with the permission of the property owner and approved by city issued permit.

Non-passenger vehicle means a commercial or recreational vehicle or trailer.

Nonconformity means any use, lot, or structure which was legally constructed or established prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendment to it, which would not be permitted by or is not in full compliance with the provisions of this chapter.

Nonconforming lot means a lot of record which does not conform to the width, lot area, or other dimensional requirements of the district in which it is located.

DRAFT

Nonconforming structure is any structure which was legally constructed prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendment to it, which would not be permitted by or is not in full compliance with the provisions of this chapter.

Nonconforming use means any use which was legally established prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendment to it, which would not be permitted by or is not in full compliance with the provisions of this chapter.

Occupied space means an interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

Ordinance from which this chapter is derived means Ordinance No. XX-XXXX adopted August 3, 2026, and effective August 28, 2026.

Organic material means food waste, yard waste and items such as, but not limited to: non-recyclable paper products, and other compostable items such as full vacuum cleaner bags, dryer lint, tissues and cotton balls, floral trimmings and house plants, and compostable plastics (certified compostable plastic utensils, cups and containers).

Ornamental tree means any tree planted primarily for its ornamental value or for screening purposes and tends to be smaller at maturity than canopy trees.

Parcel. See the definition, "Lot."

Parking lot means surfaced and improved ground surface areas used for the parking of licensed and operable motor vehicles for periods of less than 24 hours.

Outdoor lighting:

(1) **Cutoff or shielded** means an outdoor light fixture constructed or shielded in such a manner that no more than 2.5% of its light occurs above the horizontal plane of the fixture, and no more than 10% of its light occurs above 80 degrees.

(2) **Direct light** means light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or other diffuser lens, of a luminaire.

(3) **Footcandle** is the basic unit of illuminance or the amount of light falling on a surface. One footcandle is approximately equal to the illuminance produced by a light source of one candle in intensity, measured on a surface at a distance of one foot above grade. Footcandles can be measured both horizontally and vertically by a footcandle or light meter.

DRAFT

(4) **Full cutoff or fully shielded** means an outdoor light fixture constructed or shielded in such a manner that no light occurs above the horizontal plane and no more than 10% of its light occurs above 80 degrees.

(5) **Glare** is the sensation produced directly by a light source or indirectly from reflective surfaces within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which can cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

(6) **Illuminance** is the amount of light falling on any point of a surface, typically measured in footcandles (or lux in the metric system).

(7) **Indirect light** means direct light that has been reflected or scattered off of other surfaces.

(8) **Lamp** means the component of the luminaire that actually produces the light, more commonly known as a bulb.

(9) **Light spill** means light that falls beyond the boundaries of the property on which the lighting installation is located and because of quantitative, directional, or spectral content causes annoyance, discomfort, or loss in visual performance and visibility.

(10) **Lumen** is a unit used to measure the actual amount of light that is produced by a light source. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the wattage. For example, a 75-watt incandescent lamp can produce 1,000 lumens while a 70-watt high-pressure sodium lamp can produce 6,000 lumens.

(11) **Luminaire or fixture** means the complete lighting assembly or fixture (including but not limited to the lamps, housing, ballasts, photocells, reflectors, lenses, shields, visors, louvers) but not the support assembly (poles or mounting brackets).

(12) **Mounting height** means the vertical distance as measured from the ground directly below the centerline of the luminaire to the lowest light-emitting part of the luminaire.

(13) **Ornamental lighting** means lighting that is installed mainly or entirely for its decorative effect rather than as an aid to visibility.

(14) **Semi cutoff or partially shielded** means an outdoor light fixture constructed or shielded in such a manner that no more than 5% of its light occurs above the horizontal plane of the fixture, and no more than 20% of its light occurs above 80 degrees.

(15) **Shielded** means a luminaire from which no direct glare is visible at normal viewing angles by virtue of its being properly located, aimed, oriented, and properly fitted with spill and glare control devices, such as shields, barn doors, baffles, louvers, skirts, inserts, visors and reflectors.

DRAFT

Parking space means an improved paved or gravel area on a lot or area within a building intended for parking of a motor vehicle and which has a means of access to a public street. This term is used interchangeably with parking stall and parking facility.

Passenger vehicle means an automobile, station wagon, van, sports utility vehicle, minivan, pickup truck, or motorcycle designed and primarily intended for on-street operation. Passenger vehicles do not include commercial vehicles, recreational vehicles, racing cars or stock cars.

Pedestrianway means an open and available pathway designed for use by pedestrians; it can be located midblock allowing pedestrian movement from one street to another without traveling along the block's perimeter.

Performance standards mean specified criteria and limitations which are placed on development which are intended to protect the public health, safety, or welfare.

Person means an individual, firm, partnership, corporation, company, association, society, joint stock association, or political subdivision of the state including any trustee, receiver, assignee or other representative thereof.

Pickup truck means any truck with a manufacturer's nominal rated carrying capacity of one ton or less and commonly known as a pickup or pickup truck and which has a standard manufactured pickup box. A pickup whose standard box is covered with a topper if the topper does not exceed one and one-half times the wall height of the standard box is a pickup truck.

Playfield means an outdoor facility developed as a baseball diamond, softball diamond, soccer field, football field, or other surface for conducting outdoor recreational activities.

Practical difficulty means, when used in connection with the granting of a variance, that, the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Previous zoning ordinance means Ordinance No. 730 adopted December 28, 1959, and all subsequent amendments thereto which were in effect on December 30, 1992.

DRAFT

Principal building means a building or group of buildings in which the primary use of a lot is located.

Principal use means the main use and chief purpose of land or structures, as distinguished from secondary or accessory use.

Proof of parking means a method by which an area of a lot other than that area required for yards, landscaping, or any other area required for other purposes by this chapter, which is allocated for parking, but is not paved or striped.

Racing car means a motor vehicle designed or intended for operation on a speedway, racetrack, or other facility used or designed for high-speed contests between two or more vehicles or for timing of speed.

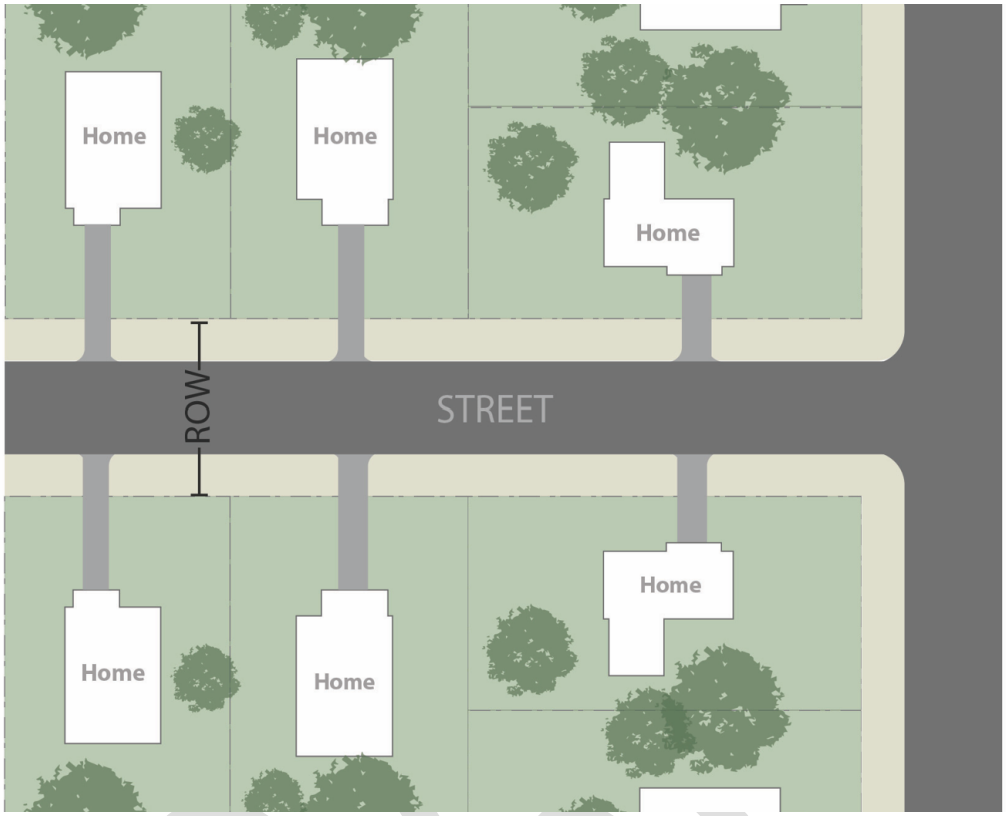
Recreational vehicle means any recreational vehicle further defined below that can be legally operated on a public road according to the Minnesota Department of Motorized Vehicles.

(1) Travel trailers include those that telescope or fold down, chassis-mounted campers, house cars, motor homes, tent trailers, and slip in campers.
(2) Motor home is a vehicle, other than a conversion van, that provides temporary living quarters. A vehicle provides temporary living quarters if it is:
    a. Not used as the residence of the owner or occupant.
    b. Used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities; and
    c. Self-propelled or capable of being towed on public roads.
(3) A nonmotorized trailer intended and generally used for transporting boats.
(4) Snowmobiles, all-terrain vehicles, boats, and any type of watercraft. Such vehicles which are placed on a utility trailer shall, together with the trailer, be considered a single recreational vehicle.

Right of way means an area or strip of land, either public or private, on which a right-of-passage has been recorded for the use of vehicles, including trains, or pedestrians or both.

DRAFT

Figure 36-485(h). Right of way.



Root zone means the part of the soil that is invaded by a plant's roots.

Screen means a method of reducing the impact of noise and unsightly visual intrusions by placing vertical elements, such as plants, berms, fences, walls, or any appropriate combination thereof between the incompatible land uses.

Service stall means the area within a motor fuel station or auto repair facility of adequate size to service one motor vehicle. A service stall shall have a maximum floor area of 400 square feet. This term is synonymous with service bay.

Shrub means a self-supporting woody perennial plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen, and usually not more than ten feet in height at its maturity.

Significant tree means any healthy tree, with the exception of Salix (willow), Siberian Elm and Black Locust, is considered to be significant under the landscaping section of the zoning ordinance if it is at least five diameter inches for deciduous trees and six diameter inches for conifers. Aspen, B Boxelder, Cottonwood, or Silver Maple are considered significant if they are at least 12 inches in diameter at 4.5 feet from the ground.

Site plan means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Small local business means a local, independently owned, non-franchised business. Local means located in the Twin Cities Metro Area.

Special permit.

(1) **Certificate of zoning compliance** means a certificate issued by the zoning administrator to the owner of a property covered by a continued special permit certifying that the property is in compliance with all provisions of the continued special permit.

(2) **Continued special permit** means a special permit continued in effect pursuant to provisions of this section.

(3) **Current zoning ordinance** means Ordinance No. 92-1902 adopted December 7, 1992, which became effective on December 31, 1992.

(4) **Previous zoning ordinance** means Ordinance No. 730 adopted December 28, 1959, and all subsequent amendments thereto which were in effect on December 30, 1992.

(5) **Property** means the legally described parcel of land, governed by a special permit, including but not limited to structures, parking lots, landscaping, lighting, signs and all other physical elements on the site and the use, operation and functioning of these elements.

(6) **Special permit** means a land use approval issued by resolution of the city council under provision of the previous zoning ordinance.

Sport court means a hard or paved surface accompanied by sporting equipment such as nets or goals, which is used primarily for the playing of sports such as tennis or basketball. A patio, porch, pool, or driveway shall not be considered a sport court.

Stand and **standing** mean any halting, even momentarily, of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers or property.

Stock car means a motor vehicle of standard design and construction which is modified, adapted, or altered in any manner to increase its speed or safety, and designed or intended for operation on a speedway, racetrack, or other facility used or designed for high-speed contests between two or more vehicles or for timing of speed.

DRAFT

Story means that portion of a building included between the surface of any floor and the surface of the floor next above; or if there is not a floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.

Story, ground (also referred to as ground floor) means the first story of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

Story, half means a story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

Story, upper (also referred to as upper floor) means the stories located above the ground story of a building.

Street means a public or private thoroughfare which is used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified in the comprehensive plan by the functions they perform. See figure 36-485(i).

(1) **Local street** are roadways typically having lowest traffic volumes, containing one lane of traffic in each direction whose primary function is to provide access to and from property.

(2) **Minor collector** are roadways containing one lane of traffic in each direction whose primary function is to provide access to and from neighborhoods and the local street system.

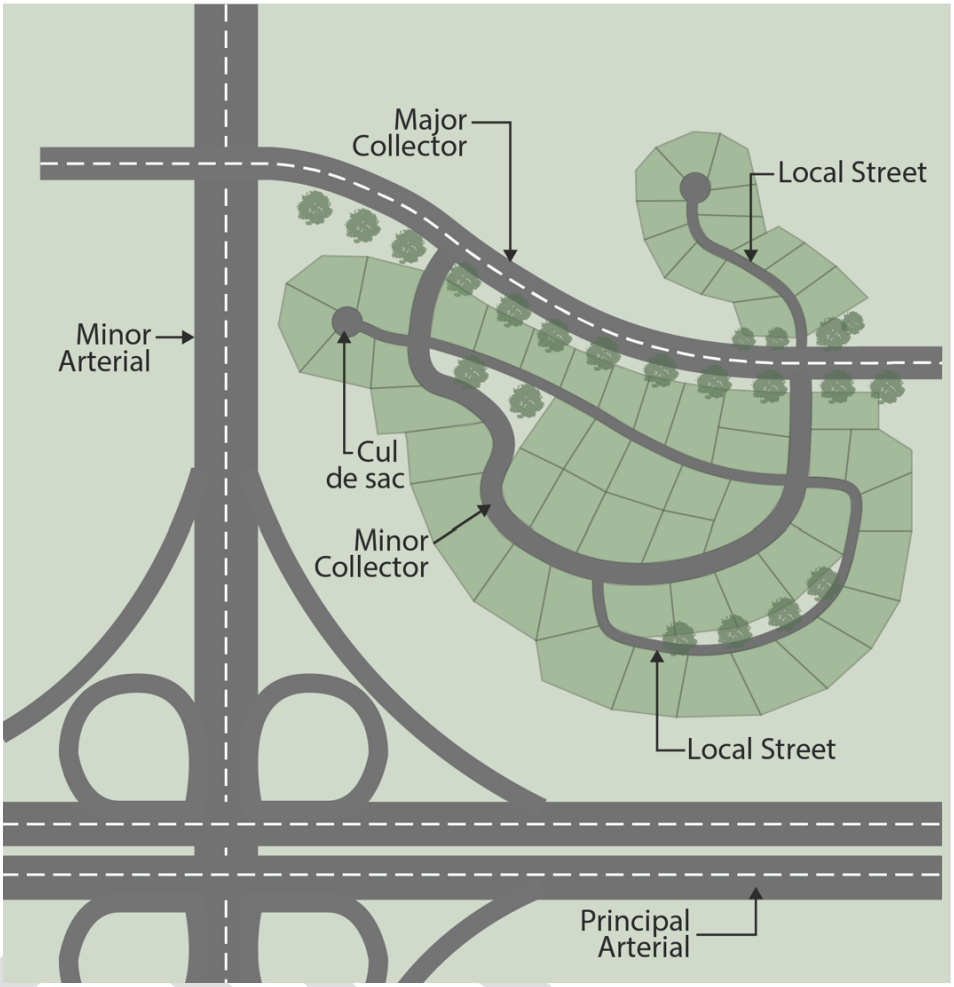
(3) **Major collector** are roadways containing one or two lanes of traffic in each direction with controlled intersections whose function is to serve long trips within the city and access to and from minor and principal arterials.

(4) **Minor arterials** are interregional roads containing two lanes in each direction with limited access and controlled intersections at other arterials and collector streets. Minor arterials convey traffic between towns, boroughs, or other urban centers and are used to reduce the number of trips on the regional system. Efficient movement is the primary function of a minor arterial road.

(5) **Principal arterials** are limited access interregional arterial routes containing two or more lanes in each direction. They are designed exclusively for unrestricted movement, have no private access, and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing movement.

DRAFT

Figure 36-485(i). Street functional classifications.



Street frontage means the building and yard area facing and directly adjacent to a street right of way line.

(1) **Street frontage, primary** means the street frontage that receives priority over other street frontages, defining a higher level of pedestrian orientation. The primary street frontage is classified in the comprehensive plan as a collector or arterial. If there are two primary streets, or no primary streets, the zoning administrator shall determine the most appropriate street frontage to serve as the primary street frontage. Orientation of other parcels along the street shall be considered.

(2) **Street frontage, secondary** means a street frontage that is secondary to the primary street frontage, requiring lower lot line coverage and transparency levels,

and permitting more interruptions by driveways. Secondary street frontages are all frontages not identified as a primary street frontage.

Structure means anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, including but without limiting the generality of the foregoing, signs, billboards and fences.

Trailer means any vehicle designed for carrying property on its own structure and for being drawn by a motor vehicle.

Trailer bed means that portion of a trailer that is designed to make contact with and bear the weight of the load to be carried.

Tree means a self-supporting woody perennial plant having one or several self-supporting stems or trunks and numerous branches which normally attains an overall height of at least 15 feet at maturity. Trees may be classified as deciduous or evergreen.

Truck means every motor vehicle designed, used, or maintained primarily for the transportation of property. This definition does not include a pickup truck as defined in this section or a van with a manufacturer's nominal rated carrying capacity of one ton or less.

Understory tree means a self-supporting woody plant or species normally growing to a mature height of between 15 and 30 feet and a mature spread of at least 15 feet. Many understory trees are considered to be ornamental trees.

Use means the purpose or activity for which a premises is designed, arranged or intended for which it is or may be occupied or maintained.

Use district means a mapped area within the city to which a uniform set of regulations applies for the purpose of regulating development.

Variance means a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

Vegetation, native, means any plant species with a geographic distribution indigenous to all or part of the state. Plant species which have been introduced by man are not native vegetation.

DRAFT

Vehicle means a device for carrying or conveying persons or property which may be self-propelled or may be propelled, drawn, or towed by a self-propelled vehicle.

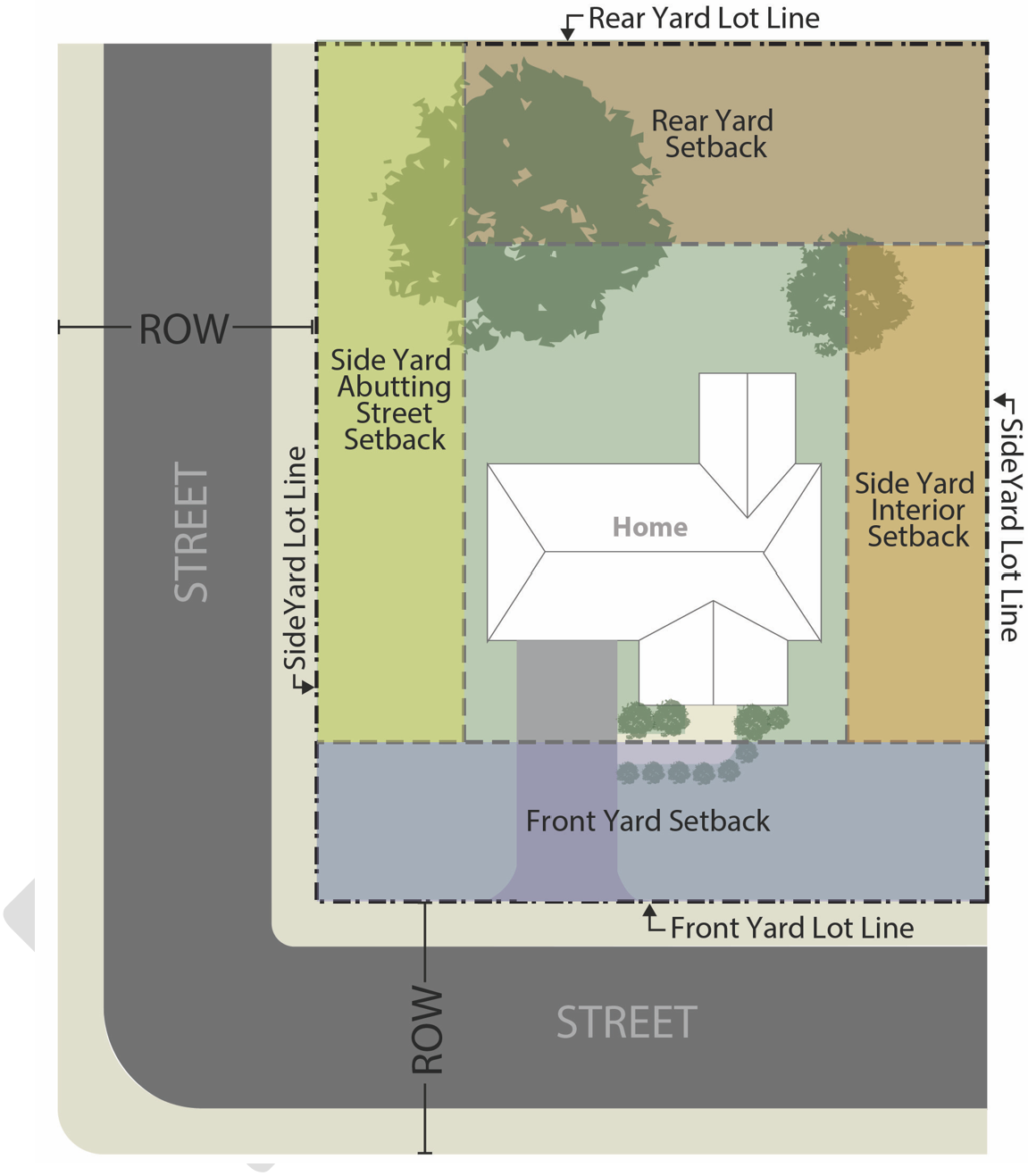
Visible basement means a half story partially below grade and partially exposed above with required transparency on the street facade.

Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Yard means 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 chapter. For principal buildings, structures, and uses, the yard shall extend along a lot line and at right angles to the lot line to a depth or width specified in the yard regulations for the district in which the lot is located. For accessory buildings, structures, and uses, the yard shall extend from the property line to the principal building, structure, or use.

DRAFT

Figure 36-485(j). Yard.



(1) **Yard, front,** means an area which extends along the full width of the front lot line between side lot lines and toward the rear lot line a depth as specified in the required yard regulations for the district in which such lot is located.

(2) **Yard, perimeter** means an area which extends along the full width of an interior side or rear yard having a width as specified in the required yard regulations for the district in which the lot is located. Perimeter yards shall not be applied to lot lines adjacent to an alley or street.

(3) **Yard, rear,** means an area which extends along the full width of the rear lot line between the side lot lines and toward the front lot line a depth as specified in the required yard regulations for the district in which the lot is located. Where the lot is a corner lot, the rear yard shall be the area between the interior side lot line and the side yard abutting a street extending toward the front yard a depth as specified in the required yard regulations for the district in which the lot is located.

(4) **Yard, side, abutting a street,** means a yard adjacent to a street which extends along a side lot line between the front yard and rear property line. The required width of the side yard abutting a street is specified in the dimensional standards of the district in which the yard is located.

(5) **Yard, side interior,** means an area extending along a side lot line between the front yard and rear yard, having a width as specified in the required yard regulations for the district in which the lot is located.

Yard waste means all garden wastes, grass clippings, leaves, weeds, holiday trees, shrub and tree waste and prunings, seasonal greenery, and woodchips that are normally generated from residential properties.

Zoning ordinance means Ordinance No. 26-XXXX and all amendments adopted subsequent to that date and compiled as chapter 36 of this code.

DIVISION 3. FLOODPLAIN DEFINITIONS.

Sec. 36-486. Floodplain definitions.

Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application. If any of the words defined are used elsewhere in this chapter, their meaning shall be those assigned by article X, divisions 1 and 2.

Base flood elevation means the elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Equal degree of encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Flood means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

DRAFT

Flood frequency means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe means the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Hennepin County, Minnesota.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood prone area means any land susceptible to being inundated by water from any source (see "Flood").

Floodplain means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Flood proofing means 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 means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

New construction means structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction

DRAFT

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

One Hundred Year Floodplain means lands inundated by the “Regional Flood” (see definition).

Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Regional flood means 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 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

Regulatory Flood Protection Elevation (RFPE) means an elevation not less than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Repetitive loss means flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Special Flood Hazard Area means a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”

Start of construction means includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means

DRAFT

the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in section 36-180(c)(1)a. of this chapter and other similar items.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement means within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purposes of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

DIVISION 4. TRAVEL DEMAND MANAGEMENT (TDM) DISTRICT DEFINITIONS.

Sec. 36-487. TDM district definitions.

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

General Mills Boulevard/Boone Avenue interchange means the area in which General Mills Boulevard/Boone Avenue crosses I-394 and the eastbound and westbound exit ramps intersect with them and the Boone Avenue intersection with the frontage roads on the south side of I-394.

Gross floor area means the sum of the gross horizontal areas of the floors of a building measured from the exterior faces and exterior walls or from the centerline of party walls

DRAFT

separating two buildings. Basements devoted to storage and space devoted to off-street parking shall not be included.

Level of service A means traffic moves freely. All waiting vehicles clear on every green interval. Low percentage of stops on major movements (average delay per vehicle less than five seconds).

Level of service B means traffic moves fairly freely. All waiting movements can expect a less than 50% probability of stopping (average delay per vehicle less than 15 seconds).

Level of service C means traffic moves smoothly. Some minor movements may not completely clear on every green interval. Vehicles on the major movements can expect a greater than 50% probability of stopping (average delay per vehicle less than 25 seconds).

Level of service D means an acceptable intersection operation for peak period flow. Many intersection movements may not clear on every green interval. Some vehicles on the major movements may still go through the intersection without having to stop (average delay per vehicle less than 40 seconds).

Level of service E means unstable traffic flows. All intersection movements experience failure to clear on their green intervals. No vehicles are able to go through the intersection without stopping (average delay per vehicle less than 60 seconds).

Level of service F means saturation condition. All vehicles must stop and all vehicles will probably require more than one green interval to travel through the intersection (average delay per vehicle more than 60 seconds).

Louisiana Avenue interchange means the area in which Louisiana Avenue crosses I-394 and the westbound and eastbound exit and entrance ramps intersect with it and the Louisiana Avenue intersection with the frontage roads on the north and south sides of I-394. P.M.

Peak hour means the period of time between 4:00 p.m. and 6:00 p.m. on business days of the week.

Reserve capacity means the amount of additional gross floor office area that may be constructed before an intersection reaches a maximum acceptable traffic level of service. The total reserve capacity for the Xenia/Vernon interchange is 2,230,000 square feet of office development which has been allocated 60% or 1,338,000 square feet to the city and 40% or 892,000 square feet to Golden Valley. The total reserve capacity for the Louisiana Avenue interchange is 1,575,000 square feet of office development which has been allocated ten percent or 157,500 square feet to the city and 90% or 1,417,500 square feet

DRAFT

to Golden Valley. The total reserve capacity for the General Mills Boulevard/Boone Avenue interchange is 885,000 square feet of office development which has been allocated 100% to Golden Valley.

Xenia/Vernon interchange means the area in which Xenia and Vernon Avenue cross I-394 and the eastbound and westbound exit and entrance ramps intersect with them and the Xenia/Vernon intersections with the frontage roads on both the north and south sides of I-394.

Zone A means that part of the land lying in Golden Valley and the city within the following described area: Following the south line of Circle Downs easterly from the intersection of Turners Crossroad and Circle Downs to State Highway 100; continue south along the westerly line of State Highway 100 to the northerly line of Parkdale Drive and continuing in a westerly direction across Vernon Avenue to the intersection of Cedar Lake Road to the intersection of Zarthan Avenue; continue along the east of Zarthan Avenue north to the intersection of 16th Street West; continue west along the north line of 16th Street West to the east line of the Minneapolis, Northfield & Southern Railway right of way to the east line of the Minneapolis, Northfield & Southern Railway right of way to the east line of Laurel Avenue; continue east along the southerly line of Laurel Avenue to the intersection of Turners Crossroad and continue south on the westerly line of Turners Crossroad to the intersection of Circle Downs, the point of beginning.

Zone B means that part of the land lying in Golden Valley and the city within the following described area: Following the south line of Laurel Avenue east from the intersection of Winnetka Avenue and Laurel Avenue; continue on the southerly line of Laurel Avenue east to the westerly line of the Minneapolis, Northfield & Southern Railway right of way; continue in a southwesterly direction along the westerly line of the railway right of way (except that portion which crosses U.S. Highway 12) to the intersection of 16th Street West; continue on the northerly line of 16th Street West westerly in a straight line to the east line of Hampshire Avenue; continue on the northerly line of 14th Street West west to the intersection with Pennsylvania Avenue; continue on the easterly line of Pennsylvania Avenue north to the intersection with 13 1/2 Street West; continue on the northerly line of 13 1/2 Street West west to the intersection of Rhode Island Avenue; continue on the easterly line of Rhode Island Avenue north to the intersection with Texas Avenue; continue on the easterly line of Texas Avenue North to its intersection with U.S. Highway 12; continue on the northerly line of U.S. Highway 12 west to the intersection of Winnetka Avenue South; continue on the easterly line of Winnetka Avenue South north to the intersection of Laurel Avenue, the point of beginning.

Zone C means that part of the land lying in Golden Valley and the city within the following described area: Following the south line of Betty Crocker Drive east from the intersection of County Road 18 and Betty Crocker Drive to the intersection with General Mills Boulevard; continue on the west line of General Mills Boulevard south to the northerly line of section

DRAFT

6, township 117, range 21; continue east on the northerly line of section 6, township 117, range 21 to the intersection with Winnetka Avenue South; continue on the centerline of Winnetka Avenue South (except that portion which crosses U.S. Highway 12) extended to the boundary line west to the east line of County Road 18; continue on the east line of County Road 18 north (except that portion which crosses U.S. Highway 12) to the intersection with Betty Crocker Drive, the point of beginning.

DIVISION 5. SIGNAGE DEFINITIONS

Sec. 36-488. Signage definitions.

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

Backlighting means an illuminated sign where the light source which illuminates the wall behind individual sign letters is hidden from view. The sign letters are opaque and appear as a silhouette against the lighted surface.

Commercial message means any message which identifies a business or product or promotes the sale of any product or service.

Courtesy bench means any bench licensed by the city and in compliance with chapter 8 of this code.

Noncommercial banner means a piece of fabric attached to a pole or building wall as a decorative display of color to enhance the architecture of a building or a site which does not contain a commercial message.

Direct lighting means an illuminated sign where the source of light is visible.

Height means the distance measured perpendicularly from the highest point of the sign structure to the grade level of the ground directly below that point or the grade level of the centerline of the nearest adjacent roadbed, whichever grade level is higher.

Indirect lighting means an illuminated sign where the sign reflects the light from an external source.

Internal lighting means an illuminated sign having the source of illumination located inside a translucent panel which is not directly visible.

Internal wayfinding means information directed at users of a specific site which facilitates the function, navigation and circulation of the site. This information may be posted on the perimeter or internal to the site.

DRAFT

Noncommercial message means any message not classified as commercial which includes, but is not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Scoreboard means a sign associated with an athletic field that includes information and/or statistics pertinent to an on-site game or activity and includes any sponsor or identification panels.

Sign means any written message, pictorial presentation, number, illustration, decoration, flag, banner, or other device that is used to announce, direct attention to, identify, advertise or otherwise make anything known to the general public. The term "sign" shall not include landscaping, or the architectural embellishment of a building not intended to communicate information. For purposes of maintenance or removal, the term "sign" shall also include frames and support structures.

Sign area means the area in square feet of all faces of the sign panel, including the frame. Each message shall be considered to be a sign. If individual letters are mounted directly on a wall, canopy or awning without a frame, the sign area shall be the area in square feet of the smallest rectangle, which encloses the sign message or logo. The sign area of a freestanding multiple face or volumetric sign shall be determined by totaling the area of all faces. The maximum aggregate or total sign area on a lot shall include the sign area of all signs.

Sign, blade means a wall sign that projects away from the wall at an angle sufficient to provide visibility to at least two sides of the sign.

Sign, canopy/awning means a visual message on an awning or canopy which is constructed according to the requirements of the building code, is an integral part of the building, and is consistent with the architecture and design of the building.

Sign, changing means a sign whose message can be readily changed, by manual means.

Sign, electronic - any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure, or any other component of the sign. This includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, 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, displays or video.

DRAFT

Sign, flashing means any sign, which emits a blinking or flashing light, or creates the illusion of blinking or flashing light by means of animation.

Sign, freestanding means a sign which is self-supporting, usually by uprights placed on or in the ground.

Sign, illuminated means any sign, which has characters, letters, figures, designs or outlines which are either internally or externally illuminated by an artificial light source.

Sign, off-premises (billboard) means a sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. Off-premises signs do not include multitenant identification signs that advertise tenants on a different property provided such tenants are within the same approved PUD and parking is shared between properties.

Sign, on-premises means a sign that directs attention to the name of the building, premises, or to the name of the building management firm, or to the business, principal product, service, entertainment, or activity conducted, sold or offered upon the premises on which such sign is located or to noncommercial speech. For purposes of on-premises signage, premises shall also include all properties listed in an approved conditional use permit or planned unit development.

Sign, permanent means any sign that is not a temporary sign, real estate sign, political sign, project information sign or pedestrian sign.

Sign, pedestrian means a temporary sign, which is constructed of durable materials and is designed to be readily moved from one location to another (ex. sandwich board sign or any item containing a message). For purposes of this ordinance, any sign mounted to, or conveyed by means of, a vehicle shall not be considered a pedestrian sign.

Sign, public means any sign defined as a traffic control sign in the Highway Traffic Regulation Act state statutes section 169.97 et seq., any sign installed in a public park by a public authority, or any other sign approved by the city council for installation on public land.

Sign, rooftop means a sign attached to any roof or any sign attached to a building in any other manner that allows more than 10% of its area to extend above the wall or parapet wall of the side of the building on which the sign is located.

Sign, rooftop screen means a sign attached to any rooftop screen structure.

DRAFT

Sign, rotating means a sign or a portion of a sign which moves in a rotating, oscillating or similar manner.

Sign, temporary means a sign designed to be displayed for a limited period of time that is not permanently fixed to the land or a structure.

Sign, wall means a sign attached to or erected against an exterior wall surface of a building or structure.

Secs. 36-489 to 36-509 reserved.

Section 2. This ordinance shall take effect no sooner than fifteen days after its passage and publication.

First Reading	
Second Reading	
Publication date	
Effective date	

Reviewed for administration: Adopted by the city council _____, 2026

By: _____ By: _____
Kim Keller, city manager Nadia Mohamed, mayor

Attest: Approved as to form and execution:

_____ _____
Melissa Kennedy, city clerk Soren M. Mattick, city attorney

DRAFT