

**ORDINANCE NO. 2024-28**

**AN ORDINANCE TO CREATE A UNIFIED ZONING CHAPTER THEREBY AMENDING CHAPTERS 1, 2, 6, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 21, 22, AND APPENDIX A OF THE CITY CODE.**

The City Council for the City of Bloomington, Minnesota, ordains:

Section 1. That Chapter 1 of the City Code is hereby amended by deleting those words within brackets and [~~stricken through~~] and adding those words that are underlined, to read as follows:

**CHAPTER 1: INTERPRETATION AND ENFORCEMENT OF THE CITY CODE**

\*\*\*

**ARTICLE II: CIVIL HEARING PROCESS**

\*\*\*

**§ 1.11 CITY CODE PROVISIONS THAT ARE ADMINISTRATIVE OFFENSES.**

\*\*\*

- (37) Chapter 18, Trees;
- (38) [~~Chapter 19, Article I, General Provisions~~]Reserved;
- (39) [~~Chapter 19, Article II, Administration and Procedure~~]Reserved;
- (40) [~~Chapter 19, Article III, Zoning District Map, Zoning Districts and District Uses~~]Reserved;
- (41) [~~Chapter 19, Article IIIA, Additional Zoning Districts~~]Reserved;
- (42) [~~Chapter 19, Article IV, District Regulations~~]Reserved;
- (43) [~~Chapter 19, Article V, Performance Standards~~]Reserved;
- (44) [~~Chapter 19, Article VI, Billboards~~]Reserved;
- (45) [~~Chapter 19, Article VII~~]Reserved;
- (46) [~~Chapter 19, Article VIII, Anti-Blight Regulations~~]Reserved;
- (47) [~~Chapter 19, Article IX, Shore Area Regulations~~]Reserved;
- (48) Reserved;

\*\*\*

Section 2. That Chapter 2 of the City Code is hereby amended by deleting those words within brackets and [~~stricken through~~] and adding those words that are underlined, to read as follows:

## CHAPTER 2: ADMINISTRATION

\*\*\*

### ARTICLE V: CITY BOARDS AND COMMISSIONS

\*\*\*

#### DIVISION G: PLANNING COMMISSION

\*\*\*

##### **§ 2.85.04 RESERVED~~ZONING VARIANCES.~~**

~~(a) *Purpose.* Zoning variances provide a means to approve deviation from zoning requirements where practical difficulties exist because of conditions or circumstances unique to an individual property. The purpose of this section is to establish the procedures for requesting and the requirements for issuing a zoning variance.~~

~~(b) *Authority.* The Planning Commission shall serve as the board of appeals and adjustments pursuant to the provisions of Minnesota Statutes, §§ 462.354, subd. 2; 462.357, subd. 6; and 462.359, subd. 4, as they may be amended from time to time.~~

~~(c) *Where required.* Prior to any City approval of an application that does not meet the standards of Chapters 19 or 21 of the city code, the Planning Commission, or the City Council in the case of an appeal, must approve a zoning variance unless the city code provides an alternative means of deviation.~~

~~(d) *Initiation.* A variance application must be initiated by the owner of land upon which a variance is proposed. If originally denied, a variance application for the same item may not be resubmitted until one (1) year after the original denial.~~

~~(e) *Review, approval, and appeal of Planning Commission decision.* Zoning variances must be acted upon by the Planning Commission. If the Planning Commission action results in a tie vote, or if the approval or denial action is not consistent with the staff recommendation, the variance application is automatically sent to the City Council for final action. The Planning Commission must hold a public hearing. The applicant or a member of the public may appeal the decision of the Planning Commission to the City Council by submitting an appeal request with supporting materials within three business days of the Planning Commission decision. The appellant will be given the opportunity to present their case in front of the City Council. If the variance application is related to an associated rezoning, Comprehensive Plan amendment, or other application that requires City Council action, the City Council must act on the variance application. When the City Council must act on a variance application, the Planning Commission must make a recommendation.~~

~~(f) *Conditions of approval.* The entity empowered to take action on a given variance application may impose conditions in the granting of a variance. A condition must be related to and must bear a rough proportionality to the impact created by the variance.~~

~~(g) *Findings.*~~

~~(1) Zoning variances may only be approved when:~~

~~(A) The variance is in harmony with the general purposes and intent of the ordinance;~~

~~(B) The variance is consistent with the Comprehensive Plan;~~

~~(C) The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties;~~

~~(D) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;~~

~~(E) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and~~

~~(F) The variance if granted will not alter the essential character of the locality.~~

~~(h) If one or more required findings for the approval of variance applications under subsection (g) is for any reason held invalid, such invalidation shall cause § 2.85.04(g) as a whole to be invalid until amended. The Planning Commission and City Council declare that, if one or more variance criteria are found to be invalid, it would have adopted the standard or requirement from which a variance was sought without causing variances to become easier to obtain.~~

~~(i) *Recording.* A certified copy of the resolution approving a zoning variance must be recorded with the county.~~

~~(j) *Expiration.* See § 19.23.01 of the city code.~~

~~(k) *Use variance prohibited.* No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.~~

~~(l) *Content.* Zoning variance applications must include the following information, unless exempted by the Planning Manager:~~

~~(1) An application form and the signed consent of the property owner(s) or authorized representative.~~

~~(2) The required application fee as set forth in City Code Appendix A.~~

~~(3) Written documentation that includes:~~

~~(A) A complete project description;~~

~~(B) Specific provisions of the Zoning Code involved and the variance request details; and~~

~~(C) Why and how the request meets each of the variance findings in subsection (g) above.~~

~~(4) Scaled floor plan, site plan, and building elevations (where applicable).~~

~~(5) Certified survey showing the existing conditions on the property (if setback related).~~

~~(m) Notice. In addition to the notice requirements set forward in city code § 21.502.01, if the application pertains to a variance within the Floodplain District, notice shall also be given to the Minnesota Department of Natural Resources at least ten days prior to the date of the hearing.]~~

## **§ 2.85.05 INTERPRETATION OF ZONING, PLATTING, PLANS, AND SUBDIVISION PROVISIONS.**

(a) *Purpose.* To provide a process through which applicants may appeal staff interpretation of provisions in Chapters 9, [19,] 21 and 22 of the city code.

(b) *Initiation.* An interpretation appeal may be initiated by any party that disagrees with staff interpretation of provisions in Chapters 9, [19,] 21 and 22 of the city code.

\*\*\*

Section 3. That Chapter 6 of the City Code is hereby amended by deleting those words within brackets and [stricken through] and adding those words that are underlined, to read as follows:

### **CHAPTER 6: FIRE PREVENTION AND PROTECTION**

#### **ARTICLE I: FIRE CODE**

\*\*\*



**§ 6.04 DWELLINGS; OPEN FLAME AND FUEL STORAGE; SMOKE DETECTORS.**

(a) *Open flame prohibited.* In any multiple-family residence that includes three or more dwelling units where dwelling units are configured vertically above and below other dwelling units as defined in § ~~[19.03]~~21.601~~[of this city code]~~, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of the structure.

- (1) *Exception.* Propane grills are allowed on balconies and ground floor patios of townhouses constructed of two or more attached units in which each unit extends from the foundation to the roof and having open space on at least two sides of each unit as defined in the Minnesota State Residential Code.

(b) *Fuel storage prohibited.* In any two-family dwelling, townhouse or multiple-family dwelling as defined in § ~~[19.03]~~21.601~~[of this city code]~~, no person shall store or use any fuel, barbecue, torch or other similar heating or lighting chemical or device.

\*\*\*

Section 4. That Chapter 8 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

**CHAPTER 8: TRAFFIC, VEHICLES AND PARKING**

\*\*\*

**ARTICLE III: VEHICLE REGULATIONS**

**DIVISION A: STORAGE OF ABANDONED, JUNK, AND INOPERABLE VEHICLES  
AS PUBLIC NUISANCES**

\*\*\*

**§ 8.16 OPEN STORAGE OF ABANDONED, JUNK AND INOPERABLE VEHICLES  
PROHIBITED.**

No person may store, leave or permit the storing or leaving of any abandoned, junk or inoperable vehicle upon any real property, including private property, within the city, unless the vehicle is completely enclosed in a building or unless the vehicle is stored on private property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to state law and Chapter~~[s 19 and]~~ 21 of this city code and where the storing of abandoned, junk or inoperable vehicles is an essential portion of that lawful business or commercial enterprise.

\*\*\*

Section 5. That Chapter 9 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

**CHAPTER 9: HOUSING OPPORTUNITY AND PRESERVATION**

\*\*\*

**ARTICLE I: GENERAL PROVISIONS**

\*\*\*

**§ 9.04 DEFINITIONS.**

\*\*\*

**AFFORDABLE HOUSING DEVELOPER.** A developer of housing whose portfolio serves households at or below 60% of AMI.

**AFFORDABLE HOUSING PLAN.** The plan submitted by a developer as part of a final site and building plan or final development plan approval pursuant to this chapter and Chapter[s 19 and] 21.

**AFFORDABLE HOUSING TRUST FUND.** A trust fund established by the City Council for the purpose of collecting and disbursing funds for affordable housing programs in accordance with the requirements set forth in Article VIII.

\*\*\*

Section 6. That Chapter 10 of the City Code is hereby amended by deleting those words within brackets and [~~stricken through~~] and adding those words that are underlined, to read as follows:

**CHAPTER 10: ENVIRONMENTAL CONTROL**

\*\*\*

**ARTICLE III: ODOR**

\*\*\*

**§ 10.23 DEFINITIONS.**

The words and terms of this Article III shall have the meaning of the words and terms described and defined in § 14.444 and § [~~19.03~~]21.601[~~of this code~~] unless the context clearly indicates otherwise.

\*\*\*

**ARTICLE VI: WEEDS AND BRUSH**

\*\*\*

**§ 10.38 NUISANCE.**

\*\*\*

(b) Weeds and grass. All weeds or growing grass upon any lot, parcel of land or adjacent right-of-way area in the city to a height greater than eight inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and a detriment to the good order of the city with the following exceptions:



\*\*\*

- (5) Lakescaping areas as defined in § ~~[19.03]~~21.601; and

\*\*\*

## ARTICLE IX: FIREWOOD

\*\*\*

### § 10.57 FIREWOOD STORAGE.

Except as provided below in subsection (6) below, all firewood located upon a residential property must be stored for use at that property and not for resale as follows.

- (1) The firewood shall be stored in neat, secure stacks.
- (2) The height of a woodpile over three feet shall be no more than twice its width, but in no event shall the height exceed six feet.
- (3) No firewood shall be stored within ten feet of any side or rear property line; except that if the wood is stored in an accessory building, the accessory building shall meet all zoning setback requirements.
- (4) No firewood shall be stored in the front yard as defined in § ~~[19.03]~~21.601~~[-of the city code]~~.

\*\*\*

Section 7. That Chapter 11 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

## CHAPTER 11: WATER, WASTEWATER, SOLID WASTE AND REFUSE UTILITY SERVICES

\*\*\*

### ARTICLE VI: FEES AND RATES FOR UTILITY SERVICES

\*\*\*

#### § 11.65 WASTEWATER SERVICE.

\*\*\*

- (e) Sewer availability charge.

\*\*\*

- (3) The charge for each building or structure shall be equal to the number of units of sewage volume it will discharge, multiplied by the current year SAC rate mandated by

the Metropolitan Council Environmental Services. The number of SAC units shall be determined as follows:

\*\*\*

(D) Multiple-family public housing units and multiple-family housing units (as defined in § ~~[19.03]~~21.601~~[of this code]~~) subsidized under any federal program for low and moderate income housing shall be counted as 75% of the unit equivalent for that type of housing.

\*\*\*

Section 8. That Chapter 12 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

## CHAPTER 12: PUBLIC PEACE AND SAFETY

\*\*\*

### ARTICLE I: GENERAL PROVISIONS

\*\*\*

#### § 12.01.01 DEFINITIONS.

\*\*\*

***NUISANCE SERVICE CALL.*** Public officer response to a verified incident of any activity, conduct or condition occurring on private property that is likely to unreasonably interfere with the quiet enjoyment of neighboring properties or the safety, health, morals, welfare, comfort or repose of the residents therein or misuse city resources, including without limitation:

\*\*\*

(9) Prostitution in violation of state law or acts relating to prostitution, or the conduct of unlicensed escort services, sexually oriented business or massage or massage services, in violation of state law or Chapters 14 and ~~[19-]~~ 21 of this city code;

\*\*\*

### ARTICLE II: NUISANCE CONDUCT AND CONDITIONS

#### DIVISION A: PUBLIC NUISANCE PROPERTY CONDITIONS

\*\*\*

#### § 12.03 PROPERTY CONDITIONS CONSTITUTING A PUBLIC NUISANCE OR PUBLIC HEALTH NUISANCE.

\*\*\*

(36) Abandoned or unlawful signs, as defined in § 21.304.07~~[-]~~; and



(37) Any vibration discernible (beyond property line) to the human sense of feeling for three minutes or more duration in any one hour and any vibration producing an acceleration of more than 0.1 g or resulting in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, *Seismic Effects of Quarry Blasting*, on any structure.

\*\*\*

## DIVISION O: SMOKING PROHIBITED

\*\*\*

### § 12.81 PROHIBITIONS.

\*\*\*

(a) The prohibitions of this section do not apply to:

\*\*\*

(5) Smoking shelters. Smoking shelters must comply with the performance standards for accessory buildings set forth in § 21.301.19~~[-of the city code]~~; provided that the maximum size of smoking shelters shall be 200 square feet and smoking shelters may be located in side yards.

Smoking shelters must be detached from principal buildings, be located more than 25 feet from entrances, exits, open windows and ventilation intakes of public places and places of work and be no more than 50% enclosed at any time. The percentage of enclosure is calculated based on the elevation area below the roof of all elevations. For calculation purposes, screens are not considered to be enclosures but louvers, windows and other solid materials qualify as enclosures. Consumption and service of food and alcoholic and nonalcoholic beverages is prohibited in smoking shelters. A proprietor may apply for a variance to the 25-foot distance requirement or maximum size requirement for smoking shelters in accordance with § 21.501.10~~[2.85.04 of the city code]~~.

\*\*\*

## ARTICLE IV: ANIMAL CODE

\*\*\*

### DIVISION D: CHICKENS, FARM POULTRY, FARM ANIMALS, AND BEES

#### § 12.115 CHICKENS.

\*\*\*

(i) *Shelter and enclosure requirements.* Chickens shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:

- (1) Applicable building and zoning requirements of Chapter 15~~[,19]~~ and 21;

\*\*\*

## **§ 12.116 FARM POULTRY AND FARM ANIMALS.**

\*\*\*

(i) *Shelter and enclosure requirements for farm poultry.* Farm poultry shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:

- (1) Applicable building and zoning requirements of Chapters 15~~[,19]~~ and 21;

\*\*\*

## **DIVISION E: WILD ANIMALS**

\*\*\*

## **§ 12.121 EXCEPTIONS; PERMITS AND LICENSES.**

\*\*\*

(d) *Wildlife rehabilitators.* Persons keeping wild animals as part of a bona fide institutional program to return such animals to the wild are exempt from the requirements of this section, provided the location of the premises complies with all zoning requirements of Chapter~~[19 or]~~ 21 of this code.

\*\*\*

## **DIVISION F: INSPECTION AND ENFORCEMENT OF THE ANIMAL CODE**

\*\*\*

## **§ 12.129 VARIANCES TO THE ANIMAL CODE.**

All zoning variances, including but not limited to, setback requirements, screening and fencing, shall proceed according to the variance procedures set out in Chapter~~[s 19 and]~~ 21 of this city code. The city shall not consider variances or exceptions to the Animal Code requirements including, but not limited to, number of animals allowed at one residence, shelter or enclosure, sterilization, breeding prohibition and slaughter prohibition.

\*\*\*

Section 9. That Chapter 14 of the City Code is hereby amended by deleting those words within brackets and [~~stricken through~~] and adding those words that are underlined, to read as follows:

## CHAPTER 14: LICENSES AND PERMITS

\*\*\*

### ARTICLE I: GENERAL PROVISIONS

\*\*\*

#### § 14.08 PERSONS AND LOCATIONS INELIGIBLE FOR LICENSE AND PERMIT.

\*\*\*

(b) *Locations ineligible.* Unless a specific article or division of this chapter provides otherwise, no license or permit in this code shall be granted to the following locations.

\*\*\*

(2) *Authorized use.* No license or permit shall be granted unless the use for which a license or permit is being sought is authorized pursuant to Chapter [~~19 or~~]21 of the city code.

\*\*\*

### ARTICLE II: PUBLIC ENTERTAINMENT LICENSES AND REGULATIONS

\*\*\*

#### DIVISION E: PUBLIC ASSEMBLIES

\*\*\*

#### § 14.64.01 EXEMPTIONS FROM PERMIT FEE AND APPLICATION.

\*\*\*

(d) Responsibilities of exempt event sponsors. Those persons exempt from a permit fee and application in subsection (b) above are nonetheless subject to all applicable state laws and city code provisions, including without limitation regulations relating to: parks, open space and recreational areas (§§ 5.20 through 5.22.01); noise (§§ 10.29 through 10.32); sound trucks (§§ 10.33 through 10.36); trespass (§§ 12.07 through 12.12); public nuisance (§§ 12.02 through 12.06); juvenile curfew (§§ 12.27 through 12.33); vandalism (§ 12.34); transient merchant (§§ 14.180 through 14.192); tents (§ 21.301.21[~~19.63.06~~]); and signs (Chapter 21, Article III, Division D, the sign code[§ 19.406]) and may be required to pay the cost of any law enforcement services over and above the level of city services available with regular on-duty staffing that are directly attributable to their event. The city's cost of repair, clean-up or replacement of city

property, public grounds or facilities damaged as a direct result of the event shall also be recoverable from the exempt event sponsor, as well as any city liability to third parties resulting from the exempt person's event.

\*\*\*

## **§ 14.66 PERMIT RESTRICTIONS AND PERMIT REVOCATION.**

\*\*\*

(b) Application of other laws. In addition to the provisions of this Division E, parades , races , public assemblies and private special events shall be subject to all other applicable state laws and city code provisions, including without limitation regulations relating to: parks, open space and recreational areas (§§ 5.20 through 5.22.01); noise (§§ 10.29 through 10.32); sound trucks (§§ 10.33 through 10.36); trespass (§§ 12.07 through 12.12); public nuisance (§§ 12.02 through 12.06); juvenile curfew (§§ 12.27 through 12.33); vandalism (§ 12.34); transient merchant (§§ 14.180 through 14.192); tents (§ 21.301.21[~~19.63.06~~]); and signs (Chapter 21, Article III, Division D, the sign code [~~§ 19.106~~]).

\*\*\*

## **ARTICLE III: ANIMAL LICENSES**

\*\*\*

### **DIVISION B: COMMERCIAL ANIMAL ESTABLISHMENTS**

\*\*\*

## **§ 14.98 PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.**

\*\*\*

(b) *Locations ineligible.* The following locations shall be ineligible for a license under this Division B.

\*\*\*

(2) *Improper zoning.* No license shall be granted if the property is not properly zoned under Chapter [~~19 or~~]21 of this code.

\*\*\*

## **ARTICLE IV: BUSINESS LICENSES AND REGULATIONS**

\*\*\*

### **DIVISION B: COURTESY BENCHES AND NEWSPAPER RACKS**

\*\*\*



**§ 14.150 LICENSE APPLICATION.**

\*\*\*

(e) Evidence of the consent of the adjoining property owners or lessors within 100 feet of the proposed location of the courtesy bench if any of the adjoining property within 100 feet of the bench is zoned residential under Chapter ~~[19-07]~~21 of this code including but not limited to R-1A, R-1, R-4, RS-1, RM-12, RM-24 and RM-50. This subsection (e) has no applicability to newspaper rack placement;

\*\*\*

**§ 14.152 LICENSE APPLICATION VERIFICATION AND CONSIDERATION.**

(a) *Application.* An application for a license pursuant to this Division B shall be submitted to the issuing authority , which shall verify the information on the application form. The issuing authority shall then route the application to the City Traffic Engineer for review and approval. The City Traffic Engineer must approve of each proposed newspaper rack or courtesy bench based upon and consistent with the regulations set forth in this Division B, the Zoning Code, Chapter ~~[19-07]~~21, Chapter 17 of this city code and applicable county and state laws or regulations relating to the use of the public streets and rights-of-way before the issuing authority shall grant the license in accordance with this Division B. The issuing authority shall either grant or deny the application in accordance with §§ 14.04 through 14.13 of this chapter of city code.

\*\*\*

**DIVISION C: CURRENCY EXCHANGE BUSINESSES**

\*\*\*

**§ 14.163 STANDARDS FOR WITHHOLDING LOCAL CONCURRENCE OF A STATE CURRENCY EXCHANGE LICENSE.**

\*\*\*

(e) *Improper zoning.* Local concurrence may be withheld if the place of business to be operated under the license is located in a zoning use district in Chapter ~~[19-07]~~21 of this code in which a currency exchange business is a prohibited use. Local concurrence may also be withheld if a conditional use permit is required and not obtained pursuant to Chapter ~~[19-07]~~21 of this code.

\*\*\*

**DIVISION D: ESCORT SERVICES AND ESCORTS**

\*\*\*

**§ 14.174 LOCATIONS INELIGIBLE FOR LICENSE.**

(a) *Improper zoning.* No escort service shall be licensed if such enterprise is located on property in any residential zoning district of the city as indicated in Chapter [19 or] 21 of this code.

\*\*\*

### DIVISION I: LAUNDROMATS

\*\*\*

#### § 14.244 LOCATIONS INELIGIBLE FOR LICENSE.

\*\*\*

(b) *Improper zoning.* No license shall be granted if the property is not properly zoned for self-service laundries, launderettes and laundromats under Chapter [19 or] 21 of this code unless the business is a legal nonconforming use.

\*\*\*

### DIVISION K: MASSAGE

\*\*\*

#### § 14.268 LOCATIONS INELIGIBLE FOR THERAPEUTIC MASSAGE ENTERPRISE LICENSE.

\*\*\*

(b) *Improper zoning.* No therapeutic massage enterprise shall be licensed if the location of such enterprise is not in conformance with Chapter [19 or] 21 of this code unless such enterprise is a legal, nonconforming use.

\*\*\*

### DIVISION L: MEDICAL MARIJUANA DISTRIBUTION FACILITIES

\*\*\*

#### § 14.284 PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.

\*\*\*

(d) *Locations ineligible.* The following locations shall be ineligible for a license under this Division L:

\*\*\*

(2) *Improper zoning.* No license shall be granted if the property is not properly zoned for medical marijuana distribution facilities under Chapter [19 or] 21 of this code.

\*\*\*

## DIVISION M: PAWNBROKERS

\*\*\*

### § 14.295 PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.

\*\*\*

(d) *Locations ineligible.* The following locations shall be ineligible for a license under this Division M.

\*\*\*

(2) *Improper zoning.* No license shall be granted if the property is not properly zoned for pawnshops under Chapter [19 or]21 of this code, unless the business is a legal, nonconforming use.

\*\*\*

## DIVISION O: SEASONAL SALES/CHRISTMAS TREE SALES

\*\*\*

### § 14.318 LICENSE FEES.

For each seasonal sale for which a license is applied, the license fee shall be as set forth in City Code Appendix A. For Christmas tree sales, the fee as set forth in City Code Appendix A of this code shall be paid unless the applicant has previously secured a conditional use permit and has paid the requisite fee required therefor by Chapter [19 or]21 of this code.

\*\*\*

### § 14.319 LICENSE APPLICATION EXECUTION AND VERIFICATION.

(a) *Christmas tree sales.* The application for a license for the business of selling Christmas trees at retail shall be made to the City Fire Marshal on forms provided by the city. The City Fire Marshal shall inspect the premises and approve the location, and issue any orders to achieve compliance with state and local laws. Notwithstanding any provision of Chapter [19 or]21 of this code to the contrary, the Building and Inspection Division Manager is authorized to grant a conditional use permit without notice and without any action of the Planning Commission or the City Council for the business of selling Christmas trees at retail. However, such conditional use permit shall be granted only in areas zoned industrial or commercial, or upon property owned by a religious, charitable or nonprofit corporation or a political subdivision. No such conditional use permit shall be granted until the City Fire Marshal has approved the location of the Christmas tree sale.

\*\*\*

## DIVISION Q: SEXUALLY-ORIENTED BUSINESSES

\*\*\*

### § 14.333 FINDINGS OF THE CITY COUNCIL.

\*\*\*

(e) A licensing and regulatory scheme as prescribed herein can facilitate the enforcement of the city's "anti-bligh" regulations in Chapter [19 or]21 of this code and can aid in monitoring sexually-oriented businesses for adverse secondary effects on the community.

\*\*\*

### § 14.342 PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.

\*\*\*

The issuing authority shall issue a license under this Division Q to an applicant unless one or more of the following conditions exist:

\*\*\*

(6) The sexually-oriented business does not meet all of the zoning requirements prescribed in Chapter [19 or]21 of this code;

\*\*\*

### § 14.343 LICENSE RESTRICTIONS.

\*\*\*

(g) *Adult car wash requirements.* Sexually-oriented businesses that are adult car washes shall meet the requirements of this Division Q and the zoning requirements of Chapter [19 or]21 of this code; and shall not allow employees, agents, independent contractors or persons to violate § 12.20 [of this code].

\*\*\*

### § 14.348 RENEWAL APPLICATION.

\*\*\*

(b) *Verification, investigation and consideration of renewal application.* Within 20 calendar days of receipt by the issuing authority of a fully completed renewal application, the issuing authority shall verify any and all of the information requested of the applicant in the renewal application, including the ordering of criminal background checks, and shall conduct any necessary investigation to assure compliance with this Division Q. No later than ten calendar days after the completion of the renewal application verification and investigation by the issuing authority , as prescribed herein,



the issuing authority shall issue a renewal license unless one or more of the following conditions exist:

\*\*\*

(5) The sexually-oriented business does not meet the zoning requirements prescribed in Chapter [~~19 or~~]21 of this code;

\*\*\*

## **DIVISION T: BODY ART ESTABLISHMENTS**

\*\*\*

### **§ 14.384 LOCATIONS INELIGIBLE FOR A LICENSE.**

\*\*\*

(b) *Improper zoning.* No license shall be granted if the property is not properly zoned for body art establishments under Chapter [~~s 19 and~~]21 of this code unless the business is a legal, nonconforming use.

\*\*\*

## **DIVISION X: PRECIOUS METAL DEALERS**

\*\*\*

### **§ 14.442.11 PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE OR REGISTRATION.**

\*\*\*

(d) *Locations ineligible.* The following locations shall be ineligible for a license or registration under this Division X.

\*\*\*

(2) *Improper zoning.* No license or registration shall be granted if the property is not properly zoned for precious metal dealers under Chapter [~~19 or~~]21 of this code, unless the business is a legal, nonconforming use.

\*\*\*

## **DIVISION Y: SALE OF PERMITTED CONSUMER FIREWORKS**

\*\*\*

### **§ 14.442.27 PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.**

\*\*\*

(b) *Locations ineligible.* The following locations shall be ineligible for a license under this Division Y.

\*\*\*

(2) *Improper zoning.* No license shall be granted if the property is not properly zoned for the activity being licensed under Chapter [19 or]21 of this code, unless the business is a legal, nonconforming use.

\*\*\*

## **DIVISION Z: SECONDHAND GOODS DEALERS**

\*\*\*

### **§ 14.442.40 PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE OR REGISTRATION.**

\*\*\*

(d) *Locations ineligible.* The following locations shall be ineligible for a license or registration under this Division Z.

\*\*\*

(2) *Improper zoning.* No license or registration shall be granted if the property is not properly zoned for this retail business under Chapter [19 or]21 of this code, unless the business is a legal, nonconforming use.

\*\*\*

## **ARTICLE VI: TIME-OF-SALE HOUSING EVALUATIONS AND MANUFACTURED HOME PARK REGULATIONS**

\*\*\*

## **DIVISION E: MANUFACTURED HOME PARKS, RECREATIONAL CAMPING AREAS AND YOUTH CAMPS**

\*\*\*

### **§ 14.543 LICENSE AND PLAN REVIEW.**

\*\*\*

(e) *Locations ineligible.* Unless a specific article or division of this chapter provides otherwise, no license or permit in this code shall be granted to the following locations.

\*\*\*

(2) *Improper zoning.* No license shall be granted if the property is not properly zoned for the licensed activity under Chapter[s 19 and]21 of this city code unless the business is a legal, nonconforming use.

\*\*\*

**§ 14.545 STANDARDS FOR HEALTH, SAFETY AND NUISANCE PREVENTION.**

\*\*\*

- (c) *Manufactured home and recreational vehicle spacing.*
  - (1) *Placement of structures.*

\*\*\*

(B) No manufactured home unit, attachment or other structure may be parked or situated on any city, state or county right-of-way, easement or within the external setbacks for the property as set forth in the Chapter~~[s 19 or]~~ 21 of this city code without the explicit written approval of the controlling unit of government.

\*\*\*

**ARTICLE VIII: RENTAL HOUSING CODE**

\*\*\*

**DIVISON B: RENTAL HOUSING LICENSING**

\*\*\*

**§ 14.570 APPLICABILITY AND EXCEPTIONS.**

\*\*\*

- (b) The provisions of this Article VIII do not apply to:

\*\*\*

(5) Lodging establishments such as hotels, motels, kindergarten through grade 12 student dormitories, and bed and breakfasts licensed under § 14.446~~[-of this code]~~. This exemption also applies to hotel manager dwelling units defined in § ~~[19.03]~~21.601;

\*\*\*

**DIVISION C: REGULATIONS**

\*\*\*

**§ 14.580 ADDITIONAL REGULATIONS FOR HEALTH, SAFETY AND MAINTENANCE.**

\*\*\*

- (f) *Garbage and recycling.*

(1) Every multiple-family dwelling and group housing, except those with curbside collection services as required in subsection (f)(2) below, must have and maintain in

sanitary condition adequate facilities to accommodate the garbage and recycling needs of the dwelling units. Such facilities must consist of containers with tight covers for storage; and the owner of such multiple dwellings is responsible for providing collection service for both garbage and recycled materials in compliance with Chapter 10 of this code. Further, the garbage and recycling facilities must be in compliance with Chapter ~~[19 and]~~21 of this code.

\*\*\*

(r) *Zoning*. The city will use the zoning requirements set forth in Chapter~~s 19 and~~ 21 of this code.

\*\*\*

## ARTICLE IX: FARMERS MARKETS

\*\*\*

### § 14.605 EXEMPTIONS.

\*\*\*

(b) Responsibilities of exempt farmers market sponsors. Those persons exempt from a permit fee and application in subsection (a) above are nonetheless subject to all applicable state laws and city code provisions, including without limitation regulations relating to: parks, open space and recreational areas (§§ 5.20 through 5.22.01); noise (§§ 10.29 through 10.32); sound trucks (§§ 10.33 through 10.36); trespass (§§ 12.07 through 12.12); public nuisance (§§ 12.02 through 12.06); juvenile curfew (§§ 12.27 through 12.33); vandalism (§ 12.34); transient merchant (§§ 14.180 through 14.192); tents (§ 21.301.21~~[19.63-06]~~); and signs (Chapter 21, Article III, Division D, the sign code~~[§ 19.106]~~) and may be required to pay the cost of any law enforcement services over and above the level of city services available with regular on-duty staffing that are directly attributable to their farmers market. The city's cost of repair, clean-up or replacement of city property, public grounds or facilities damaged as a direct result of the farmers market shall also be recoverable from the exempt farmers market sponsor, as well as any city liability to third parties resulting from the exempt person's farmers market.

\*\*\*

### § 14.607 REQUIREMENTS FOR ALL FARMERS MARKETS.

(a) *Location*. Farmers markets are subject to the following location requirements:

(1) *Zoning districts*. Farmers markets are permitted uses in multiple zoning districts as stated in Chapter ~~[19 and]~~21 of the city code.

\*\*\*



(f) Tents and canopies. Permits are required for tents subject to requirements stated in § 21.301.21~~[19.63.06 of this code]~~.

\*\*\*

(h) *Signs*. Signs for the farmers market are subject to requirements stated in Chapter ~~[19 Article X]~~21, Article III, Division D of this code.

\*\*\*

## ARTICLE X: ARTS AND CRAFTS FESTIVAL

\*\*\*

### § 14.706 REQUIREMENTS FOR ARTS AND CRAFT FESTIVAL.

(a) *Location*. Arts and craft festivals are subject to the following location requirements:

(1) *Zoning districts*. Arts and craft festivals are permitted uses in multiple zoning districts as stated in Chapter ~~[19 and]~~21 of the city code.

\*\*\*

(e) Tents and canopies. Permits are required for tents subject to requirements stated in § 21.301.21~~[19.63.06 of this code]~~.

\*\*\*

(g) *Signs*. Signs for the arts and crafts festival are subject to requirements stated in Chapter ~~[19 Article X]~~21, Article III, Division D of this code.

\*\*\*

Section 10. That Chapter 15 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

## CHAPTER 15: BUILDINGS AND STRUCTURES

### ARTICLE I: BUILDING CODE

\*\*\*

#### § 15.14 CONSTRUCTION AND MAINTENANCE OF ANTENNAS AND SUPPORTING TOWERS.

\*\*\*

(d) Construction requirements. All antennas and towers erected, constructed or located within the city, and all wiring therefor, shall comply with the following requirements:

\*\*\*

(8) Antennas and towers shall not be erected on protected residential property as defined in § ~~[49.03]~~21.601 ~~[of this code]~~ in violation of the following restrictions.

(9) All towers erected within the city must conform to the applicable performance standards in § 21.302.37~~[49.63.05 of this code]~~.

\*\*\*

(f) *Lights and other attachments.* No antenna or tower on protected residential property as defined in § ~~[49.03]~~21.601 ~~[of this code]~~ shall have affixed or attached to it in any way except during time of repair or installation any lights, reflectors, flashers or other illuminating device, except as required by the Federal Aviation Agency or the Federal Communications Commission, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest or like structure, except during periods of construction or repair.

(g) Number of towers and antennas. Only one tower shall exist at any one time on any one parcel of protected residential property as defined in § ~~[49.03]~~21.601 ~~[of this code]~~.

\*\*\*

## ARTICLE IX: LICENSES AND PERMITS

\*\*\*

### DIVISION B: LICENSES AND PERMITS; GENERAL

\*\*\*

#### § 15.202 TEMPORARY STOCKPILES.

\*\*\*

(b) *Where allowed.*

\*\*\*

(3) *Shore Area Zones.*

(A) All stockpiles projects are prohibited in the Shore Area Zones, as defined in Table 1, § 21.303.01(c)~~[49.87.03 of the city code]~~, without a shore area permit issued by the city and/or City Council action.

\*\*\*

Section 11. That Chapter 16 of the City Code is hereby amended by deleting those words within brackets and [~~stricken through~~] and adding those words that are underlined, to read as follows:

**CHAPTER 16: STORM WATER MANAGEMENT, STORM UTILITY, AND WETLANDS**

\*\*\*

**ARTICLE II: STORM WATER MANAGEMENT**

\*\*\*

**§ 16.08 EROSION AND SEDIMENT CONTROL.**

\*\*\*

(c) *Erosion control on steep slopes.* To protect areas with steep slopes from erosion caused by surface runoff due to development, all new development must comply with the requirements of § 21.303.04[~~19.57.04~~].

\*\*\*

Section 12. That Chapter 17 of the City Code is hereby amended by deleting those words within brackets and [~~stricken through~~] and adding those words that are underlined, to read as follows:

**CHAPTER 17: STREETS AND RIGHTS-OF-WAY**

\*\*\*

**ARTICLE IV: RIGHT-OF-WAY MANAGEMENT AND LOCATING OF UNDERGROUND FACILITIES**

\*\*\*

**§ 17.70 STANDARDS FOR CONSTRUCTION OR INSTALLATION.**

(d) *Standards for wireless telecommunication facilities.*

(1) *Purpose.* The city desires high quality wireless communication services to accommodate the needs of residents and businesses. At the same time, the city strives to minimize the negative impacts that wireless telecommunication facilities can have on aesthetics and public safety. Due to the many services that must be delivered within its limited area, the city also strives to avoid unnecessary encumbrances within the public right-of-way. The city allows and regulates wireless telecommunication facilities outside of the public right-of-way through performance standards and height limits. The purpose of this section is to regulate wireless telecommunication facilities within the public right-of-way in a manner that balances desire for service with aesthetic, public safety and right-of-way flexibility concerns.

Public rights-of-way are appropriate locations for wireless telecommunication facilities that present minimal impacts (i.e., small pole attachments that do not require new poles, do not require pole extensions, and do not have associated ground mounted equipment). Wireless telecommunication facilities that require greater heights than can be afforded by existing poles in the public right-of-way and that require ground mounted equipment are more appropriately sited outside the public right-of-way in accordance with adopted performance standards (§ 21.302.37~~[19.63.05 of this code]~~). However, the city recognizes that as wireless technology advances, some residential areas of the city may be hard to serve with wireless technology due to the lack of siting alternatives in the immediate vicinity. In such areas, where no alternative non-right-of-way locations are available, wireless telecommunication facilities that require pole extensions and ground equipment will be allowed in the public right-of-way subject to the requirements of this section which are meant to protect the public health, safety and welfare.

(2) *Wireless telecommunication facilities as pole attachments.* Wireless telecommunication facilities that meet the definition of a small wireless facility and comply with the following requirements may be attached to existing wireless support structures within the right-of-way after issuance of a pole attachment permit and execution of a small wireless facility agreement for co-locations on city-owned structures.

\*\*\*

(F) The wireless telecommunication facility shall not interfere with public safety communications and shall meet the requirements of § 21.302.37~~[19.63.05 of this code]~~.

\*\*\*

(3) *Wireless telecommunication facilities as pole extensions or with ground mounted equipment.* Wireless telecommunication facilities that meet the definition of a small wireless facility and that either require increased wireless support structure height or have ground mounted equipment may be erected in the public right-of-way only when in compliance with the following provisions and after issuance of a pole attachment permit, excavation permit and execution of a small wireless facility agreement for co-locations on city-owned structures.

\*\*\*

(G) The wireless telecommunication facility shall not interfere with public safety communications and shall meet the requirements of § 21.302.37~~[19.63.05 of this code]~~.

\*\*\*

(I) Above grade ground mounted equipment associated with the wireless telecommunication facility shall meet the following performance standards:

\*\*\*



(v) Ground mounted equipment located outside the planned widened public right-of-way shall conform with the requirements of § 21.302.37(i)~~[19.63.05(j) of this code]~~; and

(4) Wireless telecommunication facilities with new poles or new wireless support structures. Wireless telecommunication facilities with new poles or new wireless support structures may be erected in the public right-of-way only when they meet the definition of a small wireless facility and are in compliance with the following provisions and after issuance of a pole attachment permit and excavation permit.

\*\*\*

(F) Interference. The new pole or other wireless support structure must not interfere with public safety communications and must meet the requirements of § 21.302.37~~[19.63.05 of this code]~~.

\*\*\*

Section 13. That Chapter 19 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

**CHAPTER 19: [ZONING]RESERVED**

**[ARTICLE I: GENERAL PROVISIONS**

**DIVISION A: PURPOSE AND SHORT TITLE**

**§ 19.01 PURPOSE.**

~~The provisions of Chapters 19 and 21 have been enacted in order to protect and promote the public health, safety and general welfare of the people of the city. Specifically, the provisions are designed to achieve amongst others the following objectives:~~

- ~~(1) Adequate light, air and safety from fire for occupants of structures;~~
- ~~(2) Conservation of the value of land and buildings;~~
- ~~(3) A balanced tax base as between residential, commercial and industrial uses;~~
- ~~(4) Avoidance of business failures through improper location;~~
- ~~(5) A minimum of congestion in the public streets;~~
- ~~(6) Compatibility between different land uses; and~~
- ~~(7) Reasonable standards to which structures and uses shall conform.]~~

**§ 19.02 SHORT TITLE.**

Chapters 19 may be referred to as the “zoning ordinance” or “Zoning Code” of the city.

## ~~§ 19.02.01 RELATIONSHIP BETWEEN CHAPTERS 19 AND 21.~~

~~The city is in the process of updating and reorganizing its zoning and land development standards. As reorganization occurs, standards will be shifted from Chapter 19 to Chapter 21. Until reorganization has concluded, both Chapters 19 and 21 will collectively serve as the zoning ordinance of the city. After reorganization has concluded, Chapter 21 will serve as the zoning ordinance of the city and Chapter 19 will be reserved. Any reference that collectively refers to Chapter 19 must be interpreted to also refer collectively to Chapter 21 and vice versa.~~

## **DIVISION B: DEFINITIONS**

### ~~§ 19.03 DEFINITIONS.~~

~~The following words and terms when used in Chapters 19 and 21 shall have the following meanings unless the context clearly indicates otherwise.~~

~~**ACCESSIBILITY HOUSING.** Housing designed for occupancy by physically disabled or handicapped persons or physically disabled or handicapped families, in accordance with any of the following:~~

~~(A) Disabled by any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following bodily systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin and endocrine;~~

~~(B) Handicapped or disabled within the meaning of Title 12 U.S.C. § 1701q(d)(4) as one who has a physical impairment which:~~

~~(i) Is expected to be of long, continued, and indefinite duration;~~

~~(ii) Substantially impedes his or her ability to live independently; and~~

~~(iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.~~

~~(C) Disabled within the meaning of Title 42 U.S.C. § 423(d)(1)(A), which provides that a disabled person is one who has an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which can be expected to last for a continuous period of not less than 12 months.~~

~~**ACCESSORY BUILDING.** A subordinate building the use of which is incidental and customary to that of the principal building, and which may include, but is not limited to, detached garages, detached carports, storage buildings, gazebos, screen houses, playhouses, guard houses, dispatch houses, security houses, gate houses and similar structures.~~

~~**ACCESSORY DWELLING UNIT.** See **DWELLING, ACCESSORY.**~~

~~**ACCESSORY USE.** A subordinate use that is clearly and customarily incidental to the principal use of a building or premises; is operated for the benefit and convenience of the owner, customers, employees or visitors; that does not constitute more than 10% of the principal use floor area; that does not attract customers independently of the principal use; and that is located on the same lot as the principal building or use.~~

~~**ACRYLIC FINISH.** A texturable product with high yield acrylic solids and aggregate that provides a protective and decorative final top coat over portland cement plaster applied by spray or trowel.~~

~~**ACRYLIC LATEX PAINT.** A decorative product with low yield acrylic solids and no aggregate applied by spray, brush, or roller that results in minimal protective qualities.~~

~~**AGRICULTURE, INDOOR.** The growing of plants in a soil, nutrient, or water based solution, including hydroponics and accessory aquaculture, within an enclosed facility. This use type includes the incidental and accessory sale of goods produced on-site.~~

~~**AGRICULTURE, LIMITED.** Raising chickens, farm poultry or farm animals subject to the limits of city code Chapter 12, Article IV. **LIMITED AGRICULTURE** does not include more intensive agricultural activities such as commercial farming, feedlots, fur farms, slaughtering or manure storage. Growing and harvesting plants for food or enjoyment within individual or community gardens is considered to be customarily incidental to other land uses and is permitted in all zoning districts.~~

~~**ANTENNA.** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.~~

~~**APIARY.** The assembly of one or more colonies of bees at a single location.~~

~~**ARBOR.** An open shelter typically constructed of latticework or exposed boards and often meant to provide partial shade or support climbing plants.~~

~~**ARCADE.** A roofed passageway supported by columns and attached to a building. **ARCADES** are typically open on at least one side and intended to provide weather protection to pedestrians and ground level tenant space entrances.~~

~~**ARCHITECTURAL CONCRETE.** Any cast-in-place concrete or pre-cast concrete where the exposed exterior concrete surface has been shaped, ground, scored, split or otherwise altered to produce a specific aesthetic texture or shadow and in which any color is integral to the concrete.~~

~~**ARCHITECTURAL CONCRETE MASONRY UNITS.** A concrete masonry unit on which the face has been shaped, ground, glazed, scored, split or otherwise processed to produce a unit with specific aesthetic texture or shadow and, when used as an~~

~~external building surface in certain residential and all nonresidential zoning districts, all color is integral to the unit.~~

~~**ARTIFICIAL ILLUMINATION.** Any light which is produced by a mechanical means.~~

~~**ARTISAN SHOP.** A retail store selling art works and other handcrafted items where the facility includes an area, not to exceed 25% of the total shop floor area, for the crafting of the items being sold.~~

~~**ARTS AND CRAFTS FESTIVAL.** An association of two or more handcraft vendors who assemble at a defined location primarily for the purpose of selling directly to the consumer their arts or crafts.~~

~~**AUAR or ALTERNATIVE URBAN AREAWIDE REVIEW.** An alternative form of environmental review to determine impacts within a defined area as detailed in Minnesota Rules 4410.3610. The content and format of an AUAR is similar to that of an EAW, but provides for a level of analysis comparable to that of an EIS.~~

~~**AUTO BODY SHOP.** A shop that provides substantial motor vehicle body repair, painting or undercoating services, including collision repair services such as body part replacement, frame or fender straightening and repair.~~

~~**AUTOMOTIVE SERVICE FACILITIES.** Facilities which usually provide motor vehicle fuel and lubricants and/or which may provide tires, mufflers and other readily replaceable automotive parts. Repair services such as tune-ups and replacement of parts sold on premises are included, however, body work, painting, and machining of parts are not included.~~

~~**AWNING.** A roof-like cover, often of fabric, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door or the like.~~

~~**BANK or FINANCIAL INSTITUTION.** An establishment with the primary purpose of deposit banking, including, but not limited to, commercial banks, savings institutions and credit unions.~~

~~**BASEMENT.** The portion of the building between the floor and the ceiling, which is partly below and partly above grade (as defined in the Building Code, Chapter 15), but so located that the vertical distance from the grade to the floor below is less than vertical distance from grade to ceiling.~~

~~**BED AND BREAKFAST.** Lodging establishments providing furnished sleeping accommodations along with a morning meal of food and beverages to the public for periods of less than one week. Also see **TRANSIENT LODGING FACILITY.**~~

~~**BEEHIVE.** A receptacle inhabited by a colony that is manufactured for the purpose of housing bees.~~

~~**BEEKEEPER.** A person who owns or has charge of one or more colonies of bees.~~



**~~BEEKEEPING.~~** The occupation of owning and breeding bees for their honey or beeswax subject to the limits of City Code Chapter 12, Article IV.

**~~BERM.~~** An earthen mound designed to provide visual interest, screen undesirable view and/or decrease noise.

**~~BILLBOARD.~~** An outdoor, off-site advertising sign with a sign area greater than 150 square feet.

**~~BOARDING HOUSE.~~** A dwelling unit where lodging with or without meals is provided for compensation and occupied by five or more adult individuals. (See **~~FAMILY.~~**)

**~~BODY ART ESTABLISHMENT.~~** A place or premises, whether public or private, temporary or permanent in nature or location, where the practice of body art, whether or not for profit, is performed according to the provisions of § 14.376 of this code.

**~~BREWERY, CRAFT/MICRO.~~** A facility that produces for sale, distribution, and consumption beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than .5% alcohol by volume, and which possesses the appropriate federal, state, and municipal licenses and which produces not more than 3,500 barrels of malt liquor in a calendar year.

**~~BREWERY, REGIONAL/NATIONAL.~~** A facility that produces for sale, distribution, and consumption beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than .5% alcohol by volume, and which possesses the appropriate federal, state, and municipal licenses and which produces more than 3,500 barrels of malt liquor in a calendar year.

**~~BREW PUB.~~** A brewer who conducts retail on-sale intoxicating liquor or 3.2% malt liquor transactions at a restaurant operated in the place where the brewer manufactures fewer than 3,500 barrels of malt liquor in a year, the entire production of which is solely for consumption on tap on the licensed premises or for off-sale from that licensed premises in 64-ounce containers commonly known as “growlers.”

**~~BRICK.~~** A unit of building material that is made of clay or shale and subjected to heat treatment at elevated temperatures through a firing process. **~~BRICK~~** used as an exterior wall surface finish must meet all of the requirements for anchored veneer as proscribed by the Uniform Building Code, current edition.

**~~BUILDING.~~** Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. **~~BUILDING~~** when used in this chapter includes “structure.”

**~~BUILDING DIVISION DIRECTOR.~~** Includes the head of the Building Division and his or her duly authorized agents and representatives in the Building Division of the city.

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

~~**BUSINESS DEVELOPMENT.** A tract of land which is developed as a unit under single or unified ownership or control, which generally includes two or more principal buildings or uses but may consist of one building, and which contains a minimum of 5,000 square feet and has a combination of principal and supportive uses:~~

~~(A) Which contains a number of retail and service businesses serving the general public; and~~

~~(B) Which is open to occupancy by competitive uses.~~

~~**CALIPER.** The diameter of a tree measured six inches above the ground for trees four inches in diameter or less and measured 12 inches above the ground for trees greater than four inches in diameter.~~

~~**CANOPY.** A roof-like cover, often of fabric, plastic, metal or glass on a support, which provides shelter over a doorway. For purposes of §§ 19.63.06 and 21.502.01, the definition of **CANOPY** shall be an open tent, without sidewalls or drops on 75% or more of its perimeter.~~

~~**CAR CARE CENTER.** A grouping of automotive service-related uses which have a common architectural theme and shared access and circulation. The center shall consist of three or more of the following: gasoline sales, lubricant sales and installation, car wash, sale of auto parts, installation of parts sold on the premises, minor automotive services such as tune-ups and repair and auto body estimating and repair (including painting) provided there be no exterior storage of damaged or inoperable vehicles or parts, or vehicles in the process of repair or painting and there be no discernible odors at the property line. However, machining of parts is not included.~~

~~**CAR WASH.** An establishment primarily engaged in cleaning or detailing of motor vehicles, whether self-service, automatic or by hand.~~

~~**CARGO TRUCK.** A truck whose design characteristics include a storage area in the form of an open, walled, or fenced bed, or of an enclosed box-like storage compartment, designed for the carrying of equipment or materials. The term is intended to include vehicles commonly referred to as flatbed trucks, stake trucks, box trucks, and straight trucks, but is not intended to include pickup trucks or vans.~~

~~**CARPORT.** A permanent covered structure, open on at least two sides, that provides shelter for one or more motor vehicles, trailers, recreational vehicles, storage or other personal property. CARPORTS are considered to be garages for the purpose of zoning regulations except that they do not satisfy single family and two family home enclosed parking space requirements. Lightweight, temporary, impermanent structures covered with metal, fabric, canvas, fiberglass or plastic and with metal, wood or plastic frames and poles, not designed to withstand significant wind or snow load, sometimes without~~

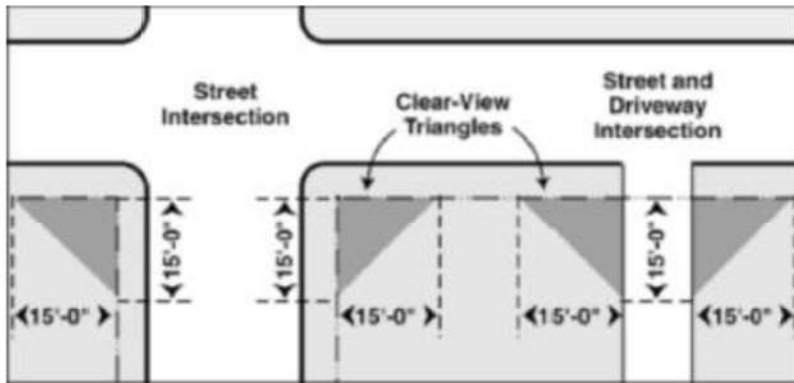
footing or other approved anchoring systems, are considered to be tents or canopies rather than **CARPORTS**.

**CATERING BUSINESS, MAJOR.** A business that prepares food and/or beverages to be delivered off site for consumption with no on site retail sales other than operation of an affiliated mobile food unit. Incidental delivery of prepared individual meals in conjunction with on site food service is not considered a catering function.

**CATERING BUSINESS, MINOR.** A business that prepares food and/or beverages to be delivered off site for consumption in a manner that is secondary to and directly related to a permitted principal use, that does not exceed 25% of the total floor area of the related principal use, and that has no on site retail sales other than operation of an affiliated mobile food unit.

**CEMETERY.** An area used for the burial or entombment of one or more deceased persons, including graveyards, mausoleums and columbaria.

**CLEAR VIEW TRIANGLE AREA.** The triangular area to provide an unobstructed clear view to a height greater than three feet above the level of the center of the adjacent intersection or driveway within the triangle of land formed on the corner of the lot by measuring a distance of 15 feet along each lot line from the street – property line intersection or lot line and driveway.



**COATING.** Sealing, painting or staining with any liquid or viscous material in any manner of application that includes, but is not limited to, brushing, spraying or trowling, but does not include a fired glaze on a clay product or concrete masonry unit.

**COCKTAIL ROOM.** An area for the on-sale consumption of distilled spirits on the premises of or adjacent to the distillery where distilled liquor is produced. A **COCKTAIL ROOM** may also include sale for off-premises consumption of distilled spirits produced at the distillery, subject to M.S. § 340A.22, subd. 4 or its successor.

**COIN SALES.** Sales of stamped metal issued by a governmental authority as money, whether or not currently serving as legal tender. Coins may have a numismatic value or intrinsic value greater than their denominational value and may be made of precious metals, gold, silver or platinum. **COIN SALES** is considered a retail sales use unless the

~~sales are taking place through the mail, telephone or similar method that does not involve over the counter sales, in which case it is considered an office use.~~

~~**COLLEGE or UNIVERSITY.** A college, community college or other post secondary educational facility primarily engaged in the education of students, which may include one or more of the following components: teaching and research facilities; educational classroom space; public assembly; child care facilities, student center; food service facilities; laundry services; library; administrative offices; and recreation facilities.~~

~~**COLLEGE/UNIVERSITY COMPLEMENTARY MEDICAL OFFICE.** Complementary medical office uses, affiliated with a college or university and its teaching mission, that do not exceed 20% of the total floor area of the building in which they are located.~~

~~**COLLEGE/UNIVERSITY COMPLEMENTARY RETAIL.** Complementary retail sales uses, affiliated with a college or university, that do not exceed 5% of the total floor area of the building in which they are located, or 5,000 square feet in floor area, whichever is less.~~

~~**COLONY.** An aggregate of bees consisting principally of workers, but typically having one queen and at times drones, brood, combs, and honey.~~

~~**COLUMBARIUM (PLURAL COLUMBARIA OR COLUMBARIUMS).** A place such as a vault for the respectful and usually public storage of cremated human remains within cinerary urns. **COLUMBARIA** are accessory to places of assembly for worship, cemeteries or mausoleums.~~

~~**COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES.** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.~~

~~**COMMUNITY EDUCATION OR ARTS CENTER.** An establishment operated by a non-profit organization or government agency primarily devoted to educational, recreational and cultural facilities, displays, meeting rooms, social service facilities and public health facilities, or any combination thereof.~~

~~**COMMUNITY GARDEN.** A garden intended to be used and maintained by neighborhood residents for the purpose of growing produce, plants and flowers and for the general aesthetic benefit to a community.~~

~~**COMPREHENSIVE PLAN.** The adopted citywide plan to guide development and infrastructure, set city policy and meet the requirements of the State Metropolitan Land Planning Act.~~

~~**CONGREGATE LIVING FACILITY.** A type of housing in which occupants share a common dining room, recreational room, food service or other facilities, including but not limited to boarding houses, lodging houses, assisted living facilities, shelters and~~



convents. A ~~**CONGREGATE LIVING FACILITY**~~ does not include bed and breakfasts, resorts, vacation homes, crash pads, hostels, multiple family dwellings, temporary pandemic response housing or other uses separately defined.

~~**CONSERVATORY.**~~ A green house or other glazed structure or building containing an array of native and/or exotic species of plants, flowers and vegetation.

~~**CONVENIENCE FACILITY WITH FUEL SALES.**~~ An establishment where the principal uses are: a) the sale of automobile engine fuel including gasoline, hydrogen, propane, natural gas, biodiesel, ethanol, electric charging, or any other automobile engine fuel stored only in underground tanks directly to the public on the premises; and b) the sale of household and convenience items, food or other miscellaneous retail goods. Accessory uses may include but are not limited to a car wash, air dispensing, minor vehicle repair, and similar services.

~~**CONVENTION CENTER.**~~ A structure used or intended to be used primarily for entertainment events, expositions, meetings, conferences, seminars, and other gatherings. Typical components include convention and exhibit halls. ~~**CONVENTION CENTER**~~ may include accessory uses, including but not limited to meeting rooms, auditoriums, cafeterias, dining rooms, recreational uses, and support services designed to accommodate planned entertainment events, expositions, meetings, conferences, and seminars.

~~**COTTAGE FOOD OPERATION.**~~ An individual person who prepares, at the person's residence, non-potentially hazardous food subject to requirements in M.S. § 28A.152, as it may be amended from time to time.

~~**CULTURAL CAMPUS.**~~ An interrelated collection of at least three of the following uses on one site that assist in cultural development with no one use occupying more than 50 percent of the floor area within the cultural campus use: community center, arts center, office, place of assembly, event center, indoor recreation and entertainment, university, makerspace, business incubator with shops and production space, restaurant, library, museum, and social service distribution facility. A cultural campus use may cross property lines and include multiple buildings provided the properties are contiguous.

~~**CURRENCY EXCHANGE BUSINESS.**~~ Any entity, except a bank, trust company, savings bank, savings and loan association, credit union or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or travelers' checks for a fee. A person who provides these services incidental to the person's primary business is not included in the definition if the charge for cashing a check or draft does not exceed \$1 or 1% of the value of the check or draft, whichever is greater.

~~**CUSTOMARILY INCIDENTAL FEATURE.**~~ A subordinate feature that clearly and customarily accompanies the principal building and is located on the same lot as the principal building including, but not limited to accessory buildings, swimming pools, off-street parking, gardens, clothes lines, tree houses and similar features.

~~**DATA CENTER.** A building or portion thereof where digital information is processed, transferred or stored, occupying 10,000 square feet or more, where the space is primarily occupied by computers, servers, telecommunications, and related equipment, including supporting equipment.~~

~~**DAY CARE FACILITY.** A facility primarily engaged in the temporary care of children or adults, usually while their primary caregivers are at work, including but not limited to day care centers, preschools, early childhood learning centers and related uses.~~

~~**DEALER IN MOTOR VEHICLES.** Any person engaged in the business of buying, selling, wholesaling, leasing, brokering, auctioning or displaying motor vehicles, new or used, as a principal business or occupation, or as an adjunct to any other business, occupation, profession, enterprise or employment.~~

~~**DENSITY.** The number of dwelling units on a site divided by the gross site area, including, at the option of the landowner, land donated for public right-of-way purposes.~~

~~**DESIGNATED RESIDENTIAL PROPERTY.** Any property within the city that is:~~

- ~~(A) Used residentially or subdivided for residential use;~~
- ~~(B) Zoned residentially; and~~
- ~~(C) Guided residentially by the Comprehensive Plan.~~

~~**DEVELOPMENT REVIEW COMMITTEE.** Those persons designated by the City Manager whose work on a day-to-day basis involves processing or review of development projects.~~

~~**DISCOUNT STORES.** Retail stores selling goods and services across the counter under the concept of discounting, usually well-known brands of merchandise at substantial discounts from customary or list prices.~~

~~**DISPLAY BOX.** A shallow, framed box structure containing a glass or glazed windowpane that is built into or attached to a building wall and intended to be used for visual displays.~~

~~**DISTILLERY, MICRO.** A facility that produces ethyl alcohol, hydrated oxide or ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use in total quantity not to exceed 40,000 gallons in a calendar year. A **DISTILLERY** may include a cocktail room.~~

~~**DISTRICT.** Includes both primary and secondary zoning districts.~~

~~**DISTRICT PLAN.** An adopted plan focused on one or more sites within an area that is intended to guide development, land use, transportation, preservation and other factors over a number of years or in several phases for a specific area or district.~~

~~**DORMITORY.** A building providing sleeping and residential quarters for individuals or groups associated with a college, university, institution, or boarding school.~~

~~**DRIVE THROUGH.** An accessory feature of a facility designed to enable the occupants of motor vehicles to make purchases or transact business from their vehicle, including the stacking spaces in which vehicles wait. Examples include, but are not limited to, restaurant drive throughs, bank drive throughs, pharmacy drive throughs, film drops and related facilities.~~

~~**DRIVE-IN RESTAURANT.** Any establishment where food, frozen dessert or beverage is sold to the consumer and where motor vehicle parking space is provided and where such food, frozen dessert or beverage is intended to be consumed in the motor vehicle parked upon the premises or anywhere on the premises outside of the building.~~

~~**DRIVEWAY.** A private drive to an off street destination such as a garage or parking lot providing access for motor vehicles from a public way or driveway approach. A **DRIVEWAY** does not include off-drive parking or turnaround area.~~

~~**DRIVEWAY APPROACH.** An area between the curb or pavement edge of a public street and the private property line intended to provide access for vehicles from a roadway or a public street to a driveway on private property.~~

~~**DWELLING.** One or more rooms designed for residential use by a single family that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other dwelling units in the same structure. Types of **DWELLINGS** are as follows.~~

~~(A) **DWELLING, SINGLE-FAMILY.** A building designed or used for residential occupancy by one family with or without an approved accessory dwelling unit.~~

~~(B) **DWELLING, ACCESSORY.** A secondary dwelling unit, but not a manufactured home built on a permanent chassis, located on the same lot as a single family dwelling unit, either physically attached to, within, or detached from the single family dwelling unit. Accessory dwelling units must be developed in accordance with the standards set forth in § 21.302.03.~~

~~(C) **DWELLING, TWO-FAMILY.** A building designed or used for residential occupancy by two families in separate dwelling units fully separated by an unpierced wall extending from ground to roof for a minimum of 10 feet, or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units, including both duplexes and double bungalows but not including accessory dwelling units.~~

~~(D) **DWELLING, MULTIPLE-FAMILY.** A building that includes three or more dwelling units where dwelling units are configured in part vertically above and below other dwelling units.~~

~~(E) **TOWNHOUSE/ROWHOUSE.** A building or group of buildings that include three or more dwelling units on a site where the dwelling units are configured in a side by side fashion and share at least one common wall but are not vertically stacked.~~

~~**DWELLING FOR WATCHMAN.** One or more rooms, designed, occupied or intended for occupancy by one or two employees as a separate living quarter, and is intended to be accessory to an approved primary use.~~

~~**DWELLING UNIT.** One or more rooms designed for residential use by a single family that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other dwelling units in the same structure.~~

~~**EAW or ENVIRONMENTAL ASSESSMENT WORKSHEET.** A brief document designed to assess the environmental effects and set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.~~

~~**EIS or ENVIRONMENTAL IMPACT STATEMENT.** A detailed written statement as required by M.S. § 116D.04, subd. 2a used to evaluate proposed projects which have the potential for significant environmental effects.~~

~~**ELECTRIC VEHICLE.** Any vehicle that operates either partially or exclusively on electrical energy from an off-board source that is stored on board.~~

~~**ELECTRIC VEHICLE CHARGER.** Battery charging 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.~~

~~**ELECTRIC VEHICLE CHARGER - PRIVATE USE.** An electric vehicle charger that is privately owned with restricted access to the public (single family homes, fleet parking, and assigned parking at multi-family residential buildings).~~

~~**ELECTRIC VEHICLE CHARGER - PUBLIC USE.** An electric vehicle charger that is publicly owned and publicly available or privately owned and available to visitors of the use.~~

~~**ELECTRIC VEHICLE CHARGING LEVEL.** The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged as follows:~~

~~(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) Level 3 is considered fast or rapid charging. Voltage is greater than 240v outlets.~~

~~**ELECTRIC VEHICLE SUPPLY EQUIPMENT.** Any equipment or electric component used in charging electric vehicles at a specific location.~~

~~**ENTERTAINMENT AND RECREATION SPECIAL EVENTS.** Public or private events for promotional, charitable or entertainment purposes, including, but not limited to: circuses, fairs, rodeos, marathons, bike races and athletic events including those that~~



~~utilize public property, public streets or public right-of-way; performers, entertainers, religious workers and the like who perform shows or hold gatherings. Events may require use of an indoor or outdoor area such as an arena, amphitheater, convention center or recreation field and may include temporary structures such as tents, stages, fencing and signs.~~

~~**EQB or ENVIRONMENTAL QUALITY BOARD.** Formed by M.S. Chapter 116C, the Minnesota Environmental Quality Board (EQB), is composed of state agency leaders and citizens from around the state for the purpose of providing leadership and coordination on environmental issues. The EQB functions as the coordinating body for Minnesota's Environmental Review Program.~~

~~**EQUIVALENT.** For the purpose of § 19.63.08 of this code, an equivalent exterior wall finish material shall mean comparable to the listed materials in terms of strength, durability, quality of finish, structure integrity and safety, level of required maintenance and longevity.~~

~~**EXPANSION OF CONFORMING USES.** Includes:~~

~~(A) An increase in structure dimension(s), size, area, volume, height, width, number of units and/or the land area of use;~~

~~(B) Placement of a structure or part thereof where none existed before; or~~

~~(C) An increase in intensity of use as compared to the original nature, function or purpose of the conformity.~~

~~**EXTERIOR INSULATION FINISH SYSTEM (EIFS).** A nonbearing exterior wall cladding system which is applied to a solid substrate or framing and includes a fastening system, insulation board, base coat, nonmetallic reinforcing fabric and a finish coat. The fastening system may be an adhesive, a mechanical fastener or a combination thereof. The system may also include primers, sealers and accessories such as trim, corner beads, stops or metal lath.~~

~~**EXTERMINATING SHOP.** A retail enterprise primarily engaged in the disposal of unwanted pests such as mice, cockroaches and other insects from homes and other places of business for compensation. Such a business may include incidental storage and handling of toxic and noxious materials, but is not a warehouse enterprise.~~

~~**FAMILY.** One or more persons related by blood, marriage or adoption, including foster children and domestic partners and civil unions recognized under Minnesota law, or a group of not more than four persons (excluding personal care attendants, in accordance with Minnesota Rules Rule 9505.0335), occupying a dwelling unit. This definition of family includes a functional household as defined in § 14.568 of the city code, as well as those persons renting rooms. (See **BOARDING HOUSE**.)~~

~~**FAMILY DAY SHELTER, UNLICENSED.** A facility operated on property owned by a place of assembly for worship which provides temporary shelter for a family or families~~

who are being assisted in finding permanent housing and/or employment and is not licensed by a federal, state or local governmental entity.

**~~FENCE.~~** An artificially constructed barrier enclosing, separating or screening areas of land, serving as a boundary, a means of protection, a buffer, a decorative element, a means of visually modifying the view, and/or for confinement. Except where otherwise required in this code, regulations governing the height, location and opacity of fences apply to walls used in lieu of a **~~FENCE~~** or in combination with a **~~FENCE~~**.

**~~FINANCIAL INSTITUTIONS, LIMITED.~~** Accessory retail financial institutions not to exceed 10% of the total related non-retail financial institution office space within the structure and without drive-through facilities, exterior banking services (ATM), and not to exceed two teller stations.

**~~FIREARM.~~** A device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion, as defined in M.S. § 609.666.

**~~FIREARM MANUFACTURING, WAREHOUSING, OR DISTRIBUTION.~~** An establishment engaged in the manufacture, warehousing, or distribution of firearm(s) or ammunition with no on-site retail sales, display, lease, trade, or other transfer of firearm(s) or ammunition.

**~~FIREARM OFFICE.~~** A temporary or permanent establishment facilitating the sale, lease, trade, or transfer of firearm(s) services with no on-site retail sales, display or inventory.

**~~FIRING RANGE.~~** A specialized facility designed for firearm(s) shooting practice with no retail sales, display, lease, trade, service, or other transfer of firearm(s), ammunition, or firearm(s) accessories.

**~~FIREARM SALES, INCIDENTAL.~~** A permanent establishment where the primary use is the retail sale of non-firearm items and where no more than 15 percent of the tenant's gross floor area is devoted to display and storage of firearm(s) and ammunition.

**~~FIREARM SALES, PRIMARY.~~** A temporary or permanent establishment for the retail sale, lease, trade, service, or other transfer of firearm(s), ammunition, or firearm(s) accessories where more than 15 percent of the tenant's gross floor area is devoted to display and storage of firearm(s) and ammunition for permanent establishments or any floor area is devoted to display or storage of firearms for temporary establishments.

**~~FISH HOUSE.~~** A detached, portable accessory building which is used for the purpose of shelter while fishing during the winter months, and which is not used or designed for use as an accessory building or storage shed.

**~~FLOOR AREA.~~** The floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings exclusive of cellars or basements, except as to single-family residences as provided in subsection(E) below of

this definition, measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, **FLOOR AREA** shall include:

(A) Elevator shafts and stairwells at each floor;

(B) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet, except equipment, open or enclosed located on the roof, i.e., bulk heads, water tanks and cooling towers;

(C) Interior balconies and mezzanines;

(D) Forty percent of porch or breezeway when the porch or breezeway is completely enclosed; and

(E) For single family residences, the **FLOOR AREA** shall be the sum of the enclosed, finished horizontal areas which are at or above grade. In addition, the **FLOOR AREA** may include 50% of all other enclosed areas, including that portion of the building below grade, which are capable of being finished in accordance with the requirements of Chapter 15 of this code at the time of the issuance of the original building permit; however, garages, porches or breezeways may not be included in calculating required **FLOOR AREA**.

**FLOOR AREA RATIO.** The floor area of a building or buildings on a site, exclusive of parking structures, divided by the gross site area, including, at the option of the land owner, land donated for public right-of-way purposes.

**FOOD SERVICE, PRIVATE.** A facility not commonly used by the general public and accessory to office buildings, schools, manufacturing plants, charitable organizations and the like, containing a common dining area, equipment and supplies for the commercial preparation and serving of food.

**FOOT CANDLE.** The international unit of illumination produced on a surface.

**FUEL PUMP, PRIVATE.** A device used for the dispensing of fuel for motor vehicles that is not open to the public.

**FUNERAL HOMES, MORTUARIES AND CREMATORIES.** An establishment engaged in undertaking services such as preparing the human deceased for burial and arranging and managing funerals, including mortuaries and crematoria.

**GARAGE, PRIVATE.** A building or portion of a building used by the tenants of the building or buildings on the premises which is designed primarily for the storage of motor vehicles including, but not limited to, automobiles, trucks, motorcycles and mopeds and has a finished opening greater than 6 feet in width. A carport is considered to be a garage for the purpose of zoning regulations.

**GARAGE, WIDTH.** The linear width of the garage along the widest facade that includes garage doors measured from the outer edge of the garage wall to the outer edge of the opposite garage wall. For the purposes of determining driveway width in §

21.301.06 of this code, **~~GARAGE WIDTH~~** may not exceed the cumulative width of the garage doors on the measured facade plus ten feet.

**~~GAZEBO~~**. A detached accessory building which is used for the social or recreational shelter of persons and is not used as living quarters.

**~~GLARE~~**. The effect produced by the intensity and direction of any artificial illumination sufficient to cause annoyance, discomfort or temporary loss or impairment of vision.

**~~GLAZE~~**.

a) ~~A finish for clay products made by firing a coating compound that consists of clay, silica, barium carbonate, calcium carbonate and zinc, or from premixed ceramic frit which are blended in a flux to promote fusion and may include other ingredients for color and texture. The resulting finish may be matte or glossy, textured or smooth, clear or opaque, or colored and is an integral part of the clay unit.~~

b) ~~A thermosetting glazing compound consisting basically of a silica and bonding resin slurry, to which other ingredients may be added for color, that is permanently molded to one or more faces of a concrete masonry unit on an individual unit basis by curing and heat treatment in a gas-fired tunnel kiln or comparable method to become an integral part of the unit.~~

**~~GOVERNMENT FACILITIES, GENERAL~~**. A building or site occupied by a public agency or agencies that provides non-residential services to the general public, with the exception of limited government facilities that are defined separately in the code.

**~~GOVERNMENT FACILITIES, LIMITED~~**. Government facilities that involve activities of an industrial nature including, but not limited to, warehousing, open storage, recycling and manufacturing.

**~~GRAFFITI-RESISTANT COATING~~**. May be either permanent or sacrificial and shall be restricted to a clear coating certified for that purpose which is resistant to weathering, is UV stable, does not change the appearance of the exterior wall finish material, shall have no effect on the substrate, caulking or sealant material, and has a performance guarantee.

**~~GROCERY STORE~~**. A retail establishment that offers for sale food products, beverages, household items and may include pharmacy, and prepared food items.

**~~GROSS SITE AREA~~**. The land area of a site, including land donated for public right-of-way purposes.

**~~GROUP FAMILY DAY CARE~~**. Care for no more than 14 children at any one time, in the residence of the caregiver. The total number of children includes all children of any caregiver when the children are present in the dwelling unit.

**~~GROUP HOME~~**. A residential treatment facility for six or fewer persons that is licensed by the state as residential facility or registered with the state as a housing with services



~~establishment and permitted as a single-family use pursuant to M.S. § 462.357, as it may be amended or recodified from time to time.~~

~~**GROWING SEASON EXTENDER.** Temporary devices such as hoop houses, cold frames, and the like, that are intended to extend a garden's growing season.~~

~~**HEALTH CLUB.** A facility, for profit or nonprofit, where members or nonmembers pay a fee to use equipment or space for the purpose of physical exercise, including, but not limited to, swimming, court games, martial arts, aerobics, jogging and muscular exercise programs which may or may not include accessory components such as therapeutic massage, tanning, saunas, whirlpools, locker rooms and related activities.~~

~~**HELISTOP.** An identifiable landing area for discharging and picking up passengers and goods by helicopter or similar vertical lift aircraft. A **HELISTOP** does not include refueling or servicing of aircraft, or permanent facilities such as terminals, hangars, warehousing or storage.~~

~~**HOME BUSINESS.** Any gainful occupation or profession compensated in monetary payment or in kind, conducted within a dwelling unit on the premises by an occupant of the dwelling unit as a use that is clearly incidental to the use of the primary dwelling unit for residential purposes.~~

~~**HOSPITAL.** An institution that offers health care services facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy. **HOSPITALS** may include offices for medical and dental personnel, central facilities such as pharmacies, medical laboratories and other related uses.~~

~~**HOTEL AIRPORT PARKING.** Parking accessory to a hotel for the use of hotel guests to park or store motor vehicles for up to seven days while out of town provided such parking is in addition to the parking spaces required by this code for the hotel and its accessory uses and provided the parking does not exceed one space per ten hotel rooms.~~

~~**HOTEL MANAGER DWELLING UNIT.** A room within a hotel designed for residential use by the manager of the same hotel that contains cooking, living, sanitary, and sleeping facilities.~~

~~**HOTEL OR MOTEL.** Any building or combination of buildings containing six or more rooms used for sleeping purposes by guests in which a person or persons pay for occupancy, possession or tenancy of the property and where the actual term of occupancy, possession or tenancy of the property pursuant to that lease, license or other agreement is less than 30 consecutive calendar days. A **HOTEL OR MOTEL** does not include bed and breakfasts, resorts, vacation homes, crash pads, hostels, congregate living facilities, multiple family dwellings, shelters, temporary pandemic response housing or other uses separately defined.~~

**~~HOUSEHOLD HAZARDOUS WASTE.~~** Waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under Minnesota Rules Chapter 7045, but does not include waste from commercial activities that is generated, stored or present in a household. **~~HOUSEHOLD HAZARDOUS WASTE MATERIALS~~** include, but are not limited to, caustics, flammables, oxidizers, poisons, irritants and corrosives.

**~~ILLUMINANCE.~~** The amount of light energy reaching a given point on a defined surface. Common units of measurement for **~~ILLUMINANCE~~** are lux or foot candles.

**~~ILLUMINATION.~~** A deliberate use of light to achieve a practical or aesthetic effect on a surface or object.

**~~IMPERVIOUS SURFACE.~~** Any material which prevents absorption of storm water into the soil.

**~~INITIAL LIGHT OUTPUT (OF A DISCHARGE LAMP).~~** The total luminous flux emitted by a lamp after 100 hours of operation.

**~~INSTITUTIONAL USES.~~** Land uses that serve a community's social, educational, health, cultural and recreational needs. Uses include, but are not limited to schools, colleges, day care facilities, libraries, places of assembly, switching stations, funeral homes, nursing homes, monasteries, fire stations, assisted living facilities and community centers.

**~~INSTRUCTIONAL CENTER.~~** An educational oriented establishment offering scheduled instruction or tutoring in academic, professional, technical, commercial or trade skills, including, but not limited to, business, real estate, building and construction, electronics, computer programming and technology, automotive and aircraft mechanics and technology, and similar types of instruction.

**~~INTEGRAL COLOR.~~** Color that is intended to be of uniform composition throughout the entire depth of the material or is a fired glaze on a clay product or a cement masonry unit and is not a surface skin application of a liquid or viscous material coating.

**~~INTEGRATED FUEL SALES AND CAR WASH.~~** Fuel sales (including the sale of gasoline, hydrogen, propane, natural gas, biodiesel, ethanol, electric charging, or any other automobile engine fuel) and/or car wash physically integrated with and fully within a structured parking facility.

**~~INTEGRATED ROADSIDE DEVELOPMENT.~~** A planned development including at least two of the following primary uses: restaurant, motel and convenience facility with fuel sales, and located within a reasonable distance of a freeway.

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

**~~ISSUING AUTHORITY.~~** The City Manager or designated representative.

~~**JUNK YARD.** An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, parked, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.~~

~~**LABORATORY, MEDICAL OR DENTAL.** An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth and orthodontic appliances to order for the dental profession.~~

~~**LAKESCAPING.** An unmowed strip of vegetation, emphasizing native wildflowers, grasses, sedges, shrubs and trees, extending inland from the shoreline of a pond, stream, wetland or lake for at least ten feet, maintained in a natural state for the purpose of minimizing shoreline erosion, improving water quality and promoting wildlife habitats.~~

~~**LANDSCAPE EDGING.** A material, typically set flush with the ground, used to differentiate a planting bed from turf or adjacent planting beds.~~

~~**LANDSCAPE PLAN.** An integrated set of documents that may consist of both drawn and written materials whose purpose is to identify, for a proposed development, the means of compliance with the landscaping, screening and site stabilization standards of the city code.~~

~~**LANDSCAPING.** Trees, lawns, plants and other natural and decorative site features including earth contouring, mounding and berms.~~

~~**LIBRARY.** A facility housing a collection of books, magazines or other material, that are generally loaned to the general public.~~

~~**LIMITED USE.** A subordinate use that does not constitute more than 25% of the total floor area in a building.~~

~~**LOADING SPACE.** A space accessible from a street, alley or way, in a building or in a lot, for the use of trucks while loading or unloading merchandise or materials.~~

~~**LONG GRASS.** Any grass that can reach a blade, stem or seed head height or length of at least one foot as part of its intended normal growth and use and is not developed, sold or intended to be used as a grain or as a manicured or semi-manicured lawn grass or ground cover that is normally intended to be maintained at a lower height by regular cutting.~~

~~**LOT.** A tract, plot or portion of a subdivision or other parcel of land intended as an individual unit for the purpose, either immediate or future, of transfer of ownership, or possession or for development.~~

~~**LOT AREA.** The area of a horizontal plane bounded by the front, side and rear lot lines measured within the lot boundaries.~~

**~~LOT CORNER.~~** A lot at the junction of and abutting on two or more intersecting streets, or at the point of deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.

**~~LOT DEPTH.~~** The mean horizontal distance between the front lot line and rear lot line of a lot measured within the lot boundaries.

**~~LOT INTERIOR.~~** A lot other than a corner lot.

**~~LOT LINE.~~** A property boundary line of any lot held in single or separate ownership, except that, where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

**~~LOT LINE, FRONT.~~** That boundary of a lot which is along an existing or dedicated street. The owner of a corner lot may select either street lot line as the **~~FRONT LOT LINE.~~**

**~~LOT LINE, REAR.~~** That boundary of a lot which is most distant from and is or is approximately parallel to the front lot line. If the **~~REAR LOT LINE~~** is less than ten feet in length or if the lot forms a point at the rear, the **~~REAR LOT LINE~~** shall be deemed to be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**~~LOT LINE, SIDE.~~** Any boundary of a lot which is not a front or rear lot line.

**~~LOT, PLATTED.~~** A parcel of land described in whole by a numbered lot and block of a plat, tract of a registered land survey (RLS) or lot of an Auditor's subdivision. The term **~~PLATTED LOT~~** does not include outlots of a plat or portions of a numbered lot and block of a plat, tract of an RLS or lot of an Auditor's subdivision. Examples of a **~~PLATTED LOT~~** are: Lot 1 Block 1 ABC Addition, Tract A RLS No. 123 and Lot 12, Auditor's Subdivision No. 456. Examples of parcels that are not considered **~~PLATTED LOTS~~** are: the north half of Lot 1 Block 1 ABC Addition, east quarter of Tract A, RLS No. 123 and south half of Lot 12, Auditor's Subdivision No. 456.

**~~LOT, THROUGH.~~** A lot, other than a corner lot, having frontage on two public streets or highways.

**~~LOT OR SITE WIDTH.~~** The distance between the side lot or site lines of a lot or site measured, unless otherwise specified, along the shortest straight line that both: a) touches the minimum required front setback line; and b) at no point is closer to the front line than the minimum required front setback line.

**~~LOW IMPACT, HIGH TECHNOLOGY MANUFACTURING.~~** An establishment engaged in the manufacture or assembly of high value added technology products in a manner that does not create negative impacts on surrounding uses due to odors, smoke, dust, noise, vibration or other factors. Examples of high technology manufacturing that may also be low impact include, but are not limited to, the manufacture or assembly of computer components and medical devices.



**LUMINANCE.** A measure of light intensity per unit of area in a given direction. A description of the amount of light that passes through or is emitted from a particular area. Common units of measurement for luminance is a nit (candela per square meter).

**MACHINERY AND EQUIPMENT REPAIR, HEAVY.** The repair, servicing, maintenance, and reconstruction of machinery and equipment typically utilized by manufacturing and industrial establishments including: tool repair services, machine shops, welding shops, and other repair services similar in nature to those above.

**MACHINERY AND EQUIPMENT REPAIR, LIGHT.** The repair, servicing, maintenance, and reconstruction of equipment and appliances typically utilized by individuals and small businesses and offices including: furniture and upholstery repair, home appliances, electronics, precision equipment, jewelry and watches, shoes and other leather goods, lawn and garden equipment, and other repair services that are similar in nature to those above.

**MAJOR COMMERCIAL GOLF FACILITY.** A combined indoor and outdoor recreational golf driving range, not adjacent to a golf course, which may include associated uses such as a restaurant with or without entertainment, arcade, meeting facilities and ancillary sales of goods and services.

**MAKERSPACE.** A facility where shared manufacturing tools, such as 3-D printers, laser cutters, and hand tools and machines are used for the invention, fabrication, and storage of physical products, not for mass production. May include membership fees and be used incidentally as an instructional center.

**MANDATORY ENVIRONMENTAL REVIEW.** A formal review and assessment of the potential environmental impacts of a development project that meets mandatory thresholds for review pursuant to M.S. Chapter 116D and Minnesota Administrative Rules, Chapter 4410, Environmental Review. Mandatory environmental reviews are subject to the requirements in Chapter 21, Article V, Division F: Environmental Review.

**MANUFACTURED HOME.** Synonymous with mobile home, 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 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. This term also includes any transportable structure which meets all the requirements of state and federal law and with respect to which the manufacturer has filed a certification with the state and has received the certification seal displayed on the structure. This may include transportable structures such as for an office or school space. It does not refer to recreational vehicles which are defined elsewhere in § 21.301.13 of this code.

**MANUFACTURED HOME PARK.** Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for

~~compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.~~

~~**MANUFACTURING/INDUSTRIAL, GENERAL.** An establishment engaged in the manufacture of products or parts, predominately using previously prepared material, including processing, fabrication, assembly, treatments and packaging of such products, and the incidental storage, sales and distribution of such products.~~

~~**MARINA.** A place located on or immediately adjacent to a body of water where boats and other watercraft are kept, moored or stored for a consideration, and may include facilities for servicing, repairing, renting or selling watercraft and watercraft equipment or accessories.~~

~~**MEDICAL MARIJUANA.** Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins and is delivered in the form of (1) liquid, but not limited to oil; (2) pill; (3) vaporized delivery method with use of liquid or oil, but which does not require the use of dried leaves or plant form that has been approved the Commissioner of the Minnesota Department of Health under M.S. § 152.25, as it may be amended from time to time.~~

~~**MEDICAL MARIJUANA DISTRIBUTION FACILITY.** An establishment engaged in the sale of medical marijuana that is validly registered and approved by the State of Minnesota.~~

~~**MENU BOARD.** A sign installed at drive through facilities listing the products available for purchase by customers.~~

~~**METAL.** Any class of chemical elements, as gold, silver, copper, iron or aluminum, characterized by ductility, malleability, luster and conductivity of heat and electricity, or alloys of such elements, as brass or bronze.~~

~~**MITIGATION.** Mitigation includes:~~

~~(a) Avoiding impacts altogether by not undertaking a certain project or parts of a projects;~~

~~(b) Minimizing impacts by limiting the degree of magnitude of a project;~~

~~(c) Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;~~

~~(d) Reducing or eliminating impacts over time by preservation and maintenance operations during the life of the project;~~

~~(e) Compensating for impacts by replacing or providing substitute resources or environments; or~~

~~(f) Reducing or avoiding impacts by implementation of pollution prevention measures.~~

~~**MIXED MUNICIPAL SOLID WASTE.** Garbage, refuse and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil and other materials collected, processed and disposed of as separate waste streams.~~

~~**MIXED-USE CENTER.** A grouping of three or more different uses that have a commons as their central organizing feature and which may be developed in stages. The commons may be a combination of indoor and outdoor spaces on one or more levels which serve as a public access and plaza, restricted to pedestrian circulation, providing access to all uses in a mixed-use center.~~

~~**MOBILE FOOD UNIT.** A food establishment that is a vehicle mounted unit, either:~~

~~(1) Motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one site with the approval of the health authority; or~~

~~(2) Operated in conjunction with a permanent food establishment licensed under city code § 14.446 at the site of the permanent food establishment by the same individual or company, and readily movable, without disassembly, for transport to another location.~~

~~**MOBILE HOMES.** See **MANUFACTURED HOME.**~~

~~**MOTOR VEHICLE.** A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, wagons and snowmobiles.~~

~~**MOTOR VEHICLE PARKING LOT.** An approved off-street, ground level area, usually surfaced and improved, designed and intended for vehicular access to and from a parking area accessory and contiguous to adjacent uses, and for parking of motor vehicles limited to a maximum of 48 hours.~~

~~**MOTOR VEHICLE SALES.** Other than the occasional sale of motor vehicles by a private owner upon his or her own property in a residential district, **MOTOR VEHICLE SALES** consists of the buying, selling, leasing, wholesaling, brokering, auctioning or displaying any new, used, secondhand or junked motor vehicles, subject to the provisions of § 19.26(d)(1).~~

~~**MOTOR VEHICLE SALES, CLASS I.** The sale and service of new motor vehicles obtained directly from the manufacturer.~~

~~**MOTOR VEHICLE SALES, CLASS II.** The sale of used motor vehicles displayed on the premises, and taken in trade as part of the sale of a new or used motor vehicle or purchased or recovered from another dealer, leasing or rental business, or private~~

individual, and where the primary purpose of the business is the sale of such used motor vehicles.

~~**MOTOR VEHICLE SALES, CLASS III.** The sale of used motor vehicles which are stored and displayed on the premises of a business whose primary activity is other than the acquisition of such vehicles for sale, resale, rental or leasing and in a location on the property which does not occupy parking spaces otherwise required to meet the requirements of this code.~~

~~**MOTOR VEHICLE SALES, CLASS IV.** The sale, brokering, lease or rental of new or used motor vehicles where no such vehicles for sale, resale, rental or leasing are stored or displayed on the premises of the business. **CLASS IV MOTOR VEHICLE SALES** shall be considered permitted uses in all zoning districts where offices and office uses are permitted.~~

~~**MOTOR VEHICLE SALES, ENCLOSED.** The sale, brokering or lease of new or used motor vehicles where all vehicles for sale, resale or lease are stored and displayed entirely within a completely enclosed building on the premises of the business, including the storage and display of up to 30 motor vehicles within a parking structure and accessory to an enclosed motor vehicle sales facility. The use may also include minor vehicle repair in up to six service bays fully screened from view of any public street. All component uses require parking in accordance with § 21.301.06(d).~~

~~**MOTOR VEHICLE SALES, HIGH DENSITY.** The sale, brokering, or lease of new or used motor vehicles in a multi-level, fully enclosed structure(s) on a site with a floor area ratio of 0.6 or higher where vehicles for sale, resale, or lease are stored and displayed within a completely enclosed building on the premises of the business, except for up to 30 motor vehicles that may be stored or displayed outdoors. The use may also include minor vehicle repair limited to 25% of total floor area. No more than three overhead service doors may be visible from a public street, with no more than two overhead service doors within 50 feet of each other. All component uses require parking in accordance with § 21.301.06(d).~~

~~**MOVED.** The act of permanently establishing a structure upon a portion of land after removing same from another part of the same or a different lot, tract or parcel of land.~~

~~**MULCH.** A protective covering of materials placed around plants to control weeds and moderate evaporation of moisture or freezing. Examples of mulch include organic mulch such as wood chips, shredded hardwood and cocoa beans and inorganic mulch such as stones or rocks. Materials creating an impermeable cover shall not be considered **MULCH.**~~

~~**MUSEUM.** A museum or similar use which has as its primary purpose the collection, display or preservation of objects of community or cultural interest in one or more of the arts or sciences.~~



**~~NATIVE PRAIRIE.~~** An area of landscaping containing a diversity of native flora species in associations typical of presettlement ecosystems.

**~~NIT.~~** A unit brightness equal to one candle per square meter, measured perpendicular to the rays of the light source.

**~~NURSING HOME/ADULT CARE HOME.~~** A residential facility licensed by the State Department of Health (DOH) where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management; a facility for aged, chronically ill or incurable persons licensed by the State Department of Health providing nursing care and related medical services.

**~~OFF-DRIVE PARKING AREA.~~** An off-street area connected to a driveway intended for the parking of vehicles.

**~~OFF-DRIVE TURNAROUND AREA (HAMMERHEAD).~~** An off-street area connected to a driveway intended to allow vehicles to turn around on-site and exit on to roadways in a forward facing position.

**~~OFFICE, GENERAL.~~** An establishment providing executive, management, administrative or professional services, but not involving office/warehouse use, medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, government, design, engineering, accounting and similar office uses.

**~~OFFICE, HIGH INTENSITY/CALL CENTERS AND TELEMARKETING.~~** An office use with a high level of employment per square foot of floor area, characterized by eight or more employees per 1,000 square feet of gross floor area.

**~~OFFICE, MEDICAL OR DENTAL.~~** An establishment principally engaged in providing therapeutic, preventative, corrective, healing and health-building treatment services on an outpatient basis by physicians, dentists and other practitioners. Typical uses include medical, chiropractic and dental offices and clinics.

**~~OUTLOT.~~** A parcel of land described by reference to a lettered outlot of a plat, which is intended for open space, right-of-way, drainage, holding or other purpose, for which no private development is presently intended.

**~~PAINTLESS DENT REPAIR/REMOVAL.~~** A branch of auto body repair, dealing with the removal of minor pressure blemishes to metal, through a series of pushes to the backside of the damaged area, which may include the removal of interior panels to gain access to the damaged area, replacement of minor chrome molding or appliques, or paint application with use of a small brush or sponge tool.

**~~PARCEL.~~** A unit of land described by lot and block, by outlot designation, by tract designation in a registered land survey, or by other legal descriptions.

~~**PARKED VEHICLE.** Unattended vehicle stopped without its engine running not actively engaged in the receipt or discharge of passengers or goods.~~

~~**PARKING ISLAND.** Raised or depressed non-traffic areas in off-street parking lots, the placement of which is intended to improve safety and an orderly flow of traffic in the parking lot. **PARKING ISLANDS** in surface parking lots may often contain landscape plantings which also serve to visually break up large expanses of asphalt.~~

~~**PARKING OF VEHICLES OFF-STREET.** The temporary placement of motor vehicles for a period of less than 48 hours.~~

~~**PARKING REDUCTION FLEXIBILITY MEASURES.** Methods, agreements and strategies by which a property owner may achieve a reduction the required number of constructed parking spaces for off-street parking associated with a land use.~~

~~**PARKING STRUCTURES.** A structure or portion of a structure composed of one or more levels or floors used exclusively for the parking of vehicles and which may be totally below grade (as in an underground garage) or either partially or totally above grade with those levels being either open or enclosed. A **PARKING GARAGE STRUCTURE** is deemed an underground garage for the level(s) of parking which are fully below grade and are unexposed except for entrance and exit points.~~

~~**PARKS, PRIVATE OR COMMERCIAL.** An area with one or more elements of passive or active recreation such as sport courts and fields, indoor or outdoor golfing, children's play structures, walking or biking trails, natural features and the like, which are owned by or leased to private individuals or businesses, which are made available to groups beyond the private owners via rent or admission fees and which may be fee based. Privately owned property serving as public parkland via agreement does not qualify as a **PRIVATE OR COMMERCIAL PARK** when leased according to public park leasing policies.~~

~~**PARKS, PUBLIC.** An area with one or more elements of passive or active recreation such as court sports, children's play structures, walking or biking trails, natural features and the like which is open to the public.~~

~~**PAWN SHOP.** Any business establishment operated by a pawnbroker as defined in Chapter 14 of this code, in which pawn transactions take place.~~

~~**PET SERVICES FACILITY.** A business establishment that provides any of the following services or retail activity either individually or in combination, for pets and domestic animals as defined in § 12.91: animal sales, veterinary care, animal hospital, short-term daily care, training classes, boarding and grooming.~~

~~**PLACE OF ASSEMBLY.** A facility providing for the assembly of persons for interaction as a primary use, including community centers, and religious institutions, also referred to as **PLACE(S) OF ASSEMBLY FOR WORSHIP**. **PLACE(S) OF ASSEMBLY** do not include community education or art centers, schools, instructional centers, daycare facilities, family day shelters, conservatories, convention centers, libraries, museums,~~

~~residential dwellings, recreational and entertainment facilities, theaters or social service distribution facilities which fall under separate definitions in this code.~~

~~**PLANNED DEVELOPMENT.** A development within the Planned Development Overlay Zoning District approved through the preliminary development plan and final development plan application processes.~~

~~**PLANT NURSERIES AND GREENHOUSES.** A place where plants are propagated and grown to usable size. They include retail nurseries that sell to the general public, wholesale nurseries that sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries that supply the needs of institutions or private estates where they are located.~~

~~**PLANTING BED.** A designed area including, but not limited to, trees, shrubs, perennials and ground covers that is typically defined by landscape edging along turf boundaries and has a mulched surface.~~

~~**PORTE COCHERE.** A roofed structure extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles.~~

~~**PRECIOUS GEM SALES.** Sales of any gem that is valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or any other precious gems or stones, whether as a separate item or in combination as a piece of jewelry or other crafted item. **PRECIOUS GEM SALES** is considered a retail sales use unless the sales are taking place through the mail, telephone or similar method that does not involve over the counter sales, in which case it is considered an office use.~~

~~**PRECIOUS METAL SALES.** Sales of silver, gold, platinum and sterling silver, whether as a separate item or in combination, as a piece of jewelry or other crafted item, except items plated with precious metal or metals and the plating equals less than 1% of the item's total weight. **PRECIOUS METAL SALES** is considered a retail sales use unless the sales are taking place through the mail, telephone or similar method that does not involve over the counter sales, in which case it is considered an office use.~~

~~**PRIMARY ZONING DISTRICT.** Established to protect the public health, safety and welfare by designating specific areas for uses of similar characteristics and requirements. In these districts, further regulations are established which are designed to protect the public well-being by regulating the location and extent of land utilization.~~

~~**PRINCIPAL BUILDING.** A building, or combination of buildings, which contains the primary use of the site.~~

~~**PRINTING and PUBLISHING.** Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or electrostatic (xerographic) copying, and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals, and include "quick printing" services or desktop publishing.~~

~~**PRODUCT DESIGN, DEVELOPMENT AND TESTING.** The indoor design, development and/or testing of products in an office and/or laboratory environment without manufacturing.~~

~~**PROPERTY OWNER.** The legal owner of the property as officially recorded by the county.~~

~~**PROTECTED RESIDENTIAL PROPERTY.** Any property within the city that is:~~

~~(A) Used or subdivided for single-family, two-family, townhome or rowhome residential uses;~~

~~(B) Zoned residentially; and~~

~~(C) Guided residentially by the Comprehensive Plan.~~

~~**PUBLIC ART.** Any visual work of art, accessible to public view, including, but not limited to, sculptures, statues, murals, monuments, frescoes, fountains, paintings, stained glass or ceramics, and which does not contain advertising.~~

~~**PUBLIC GOVERNMENT USE.** A use approved by a local government council or board, which was elected by the citizens in and of which had local taxing authority.~~

~~**PUBLIC RIGHT-OF-WAY.** The planned right-of-way for a public street in accordance with the most recently adopted Master Street Plan of the city.~~

~~**PUBLIC UTILITY.** Persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone service to the general public. For the purpose of this chapter, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.~~

~~**PUBLIC UTILITY FACILITY, GENERAL.** Facilities that support the provision of public utilities, including, but not limited to, water, sanitary sewer, storm sewer, telephone and electric facilities, with the exception of those utility facilities that are defined separately in this code.~~

~~**PUBLIC UTILITY FACILITY, LIMITED.** Electric generation plants, electric switching facilities and substations, electric transmission lines and above ground pipelines.~~

~~**RAILROAD LINE.** All railroad track, including, but not limited to, spur track, industrial track, team track, switching track and siding track.~~

~~**RAIN GARDENS.** Depressed areas in the landscape with perennial native plant materials designed to provide natural filtration of runoff.~~

~~**RECREATION AND ENTERTAINMENT, INDOOR.** An establishment that offers recreation and entertainment activities, for-profit or nonprofit, to the general public within an enclosed building. Typical uses include theaters, movie theaters, bowling alleys, skating rinks, game arcades, dance studios and the like.~~



~~**RECREATION AND ENTERTAINMENT, OUTDOOR.** An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open. Typical uses include archery range, golf driving ranges and miniature golf course and other types of recreation and entertainment not otherwise defined.~~

~~**RECREATION FACILITY.** A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreation activities.~~

~~**RECREATION FACILITY, COMMERCIAL.** A recreation facility operated as a business and open to the public for a fee.~~

~~**RECREATIONAL COURT (SPORTS COURT).** Permanent or seasonal outdoor facility predominantly used for sports, including tennis and basketball courts.~~

~~**RECYCLING COLLECTION FACILITY.** A use performed in a fully enclosed building where scrap or salvage materials are shredded, milled, crushed, ground, bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, plastics and aluminum cans. A **RECYCLING FACILITY** may not include automobile wrecking or dismantling.~~

~~**REMOTE AIRPORT PARKING.** Off-site or remote parking and storage of motor vehicles for patrons of the Minneapolis/St. Paul International Airport, which may or may not include shuttles to relay passengers between the off-site parking and the airport terminals.~~

~~**RESEARCH LABORATORY.** An establishment in which scientific research, investigation, testing or experimentation is conducted, but not including facilities for the manufacture of products except as incidental to the research purpose of the laboratory.~~

~~**RESIDENTIAL CARE FACILITY.** A facility that provides custodial care to persons who, because of physical, mental, or emotional disorders, are not able to live independently.~~

~~**RESTAURANT AND CLUB.** An establishment engaged in the preparation and on-site retail sale of readily consumable food and beverages, and characterized by sit down table, counter or drive-through service to customers. Establishments may include, but are not limited to, a coffee shop, cafeteria, fine dining, bar, fast food, take out, drive-in or sandwich stand serving food, licensed brewpub, and all other eating or drinking establishments.~~

~~**REST HOME (NURSING HOME).** A private home for the care of children or the aged or infirm or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury nor does it include maternity care or care of mental illnesses. Its minimum accommodation is six persons.~~

~~**RETAIL, LARGE ITEM SALES.** Facilities where large items are displayed and sold for later delivery, with minimal incidental over the counter sales. Examples include facilities that sell furniture, carpet, mattresses, large appliances, cabinets and other large items that are determined by the issuing authority to create similar parking demands per square foot, but specifically exclude motor vehicle sales, pawnshops and facilities with more than incidental over the counter sales. While classified separately for parking purposes, **LARGE ITEM RETAIL SALES** facilities are considered retail uses for determining use status in each zoning district.~~

~~**RETAIL SALES AND SERVICES.** An establishment primarily engaged in the sale or rental of goods and the provision of services directly to the consumer, excluding those uses defined more specifically in this code.~~

~~**RETAINING WALL.** A wall or terraced combination of walls used to provide barrier or restrain lateral forces of soil or other material and not used to support, provide a foundation for, or provide a wall for a building or structure.~~

~~**RGU or RESPONSIBLE GOVERNMENT UNIT.** The governmental organization that must oversee the preparation and analysis of environmental review documents. The **RGU** can be any state agency or any local (county, city, township) or special purpose unit (watershed district, SWCD, etc.) of government in the state. The **RGU** is the governmental unit determined to have the greatest authority to approve or disapprove a project.~~

~~**SALE.** When applied to uses of land shall be construed to include all transfers of title or possession of personal property whether or not absolute title passes and shall include leases, rentals and loans.~~

~~**SCENIC EASEMENT.** Easements held by a governmental body in order to preserve the character of the existing landscape and topography.~~

~~**SCHOOL (K-12).** An establishment primarily engaged in providing instructional services to elementary students including associated early learning programs or secondary students with a curriculum that complies with state regulations.~~

~~**SCREENING.** A method of visually modifying the view of a structure, building, feature or use by methods such as fencing, walls, berms, densely planted vegetation or a combination of these methods.~~

~~**SEASONAL SALES, OUTDOOR.** Outdoor seasonal retail sales, where permitted, including, but not limited to, the seasonal sale of Christmas trees, plants, flowers, vegetables and related products available on a seasonal basis.~~

~~**SECONDARY ZONING DISTRICTS.** Established to additionally regulate uses and characteristics of uses permitted in primary zoning districts in order to protect the public health, safety and welfare from the improper use of land subject to flooding and other natural hazards or to provide for the most appropriate use of land by providing design~~

~~flexibility to allow for the preservation of natural features, the efficient provision of streets and utilities, and the sensitive blending of new development with existing uses.~~

~~**SECONDHAND GOODS SALES.** Sales of any tangible personal property, previously owned, used, rented or leased by a person other than the dealer offering it for sale, including without limitation: electronic audio or video equipment; firearms; musical instruments; sports equipment; photographic equipment; outboard motors, inboard drives; nautical sonar or radar devices; electric, pneumatic or hydraulic powered construction or mechanical equipment or tools; computers or computer-related equipment; cellular telephones or other communication devices; jewelry; coins, precious metals; artist signed or artist attributed original works of art and other secondhand goods or merchandise. **SECONDHAND GOODS SALES** are considered a retail sales use.~~

~~**SELF-BREWING FACILITY.** A facility that provides the ingredients and equipment for a customer to use to brew malt liquor or wine at the store.~~

~~**SELF-STORAGE FACILITY.** A building or group of buildings of one or more levels with, usually, but not limited to, the following characteristics: controlled access and secured areas which contain varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of customer's goods or possessions.~~

~~**SENIOR CITIZEN HOUSING.** Housing designed and intended to be occupied principally by elderly persons or elderly families in accordance with any of the following:~~

~~(A) Eligible by age to receive an old age benefit under Title II of the Social Security Act; or~~

~~(B) Eligible by age to receive housing assistance under housing programs financed by the city, the State Housing Finance Agency and the federal government.~~

~~**SETBACK.** The required minimum horizontal distance between a building or any other specified development feature and a street right-of-way line or any other lot line, disregarding encroachments permitted by § 19.08 of this chapter.~~

~~**SHOPPING CENTER.** A planned business development that:~~

~~(A) Contains a number of retail business uses, including at least a grocery store, a drug store and specialty stores;~~

~~(B) Contains a number of services, such as a barber shop, beauty shop, laundry and dry cleaning depots;~~

~~(C) Serves the day to day needs of the immediate neighborhood;~~

~~(D) Serves the general public; and~~

~~(E) Is open to occupancy by competitive uses.~~

**~~SHOWROOM.~~** The display only of merchandise and equipment samples where a sales agreement with a consumer is conducted and delivery of purchased merchandise is made from an off-site warehouse. 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.

**~~SHRUB.~~** A low, usually several stemmed, woody plant.

**~~SIGN.~~** A display, illustration, structure, or device with a visual display designed to identify, announce, direct, or inform. The scope of the term “sign” does not depend on the content of the message, the ideas expressed, or the image being conveyed.

**~~SIGNIFICANT NATURAL WOODED AREA.~~** A grouping or cluster of evergreen and/or deciduous trees with a contiguous crown cover, occupying 5,000 or more square feet that are comprised primarily of deciduous trees no less than four caliper inches in diameter or evergreen trees no less than six feet in height, which are not listed on the city’s list of prohibited plants.

**~~SITE.~~** A lot, or group of adjacent lots intended, designated or approved to function as an integrated unit, that is proposed for development in accord with the provisions of this code and is in a single ownership or has multiple owners, all of whom execute a joint application for development.

**~~SOCIAL SERVICE DISTRIBUTION FACILITY.~~** An establishment primarily engaged in the temporary storage and distribution of donated food products, clothing, furniture, books and the like.

**~~SOLAR POWER PANEL.~~** A structure designed to collect solar energy. **~~SOLAR POWER PANELS~~** are subject to any code standards that apply uniformly to structures. **~~SOLAR POWER PANELS~~** are not subject to accessory building standards. When pole-mounted and over 15 feet in height, **~~SOLAR POWER PANELS~~** fall within the definition of a “tower” (except for small panels on public utility poles and for public utility purposes).

**~~SPECIAL STUDIES IMPACT DETERMINATION.~~** The requirement for an applicant to pay additional costs to the city for review of a land use application where special studies are needed, i.e., traffic, environmental, utility and the like, would be determined by a special studies impact determination prepared by the city.

**~~SPORTS TRAINING FACILITY.~~** A facility primarily designed to provide for sports training for athletes in a particular sport, including gymnasiums, multi-sports floors, training facilities, and flexible space for the purpose of sports practice and skills enhancement. With sufficient parking, **~~SPORTS TRAINING FACILITIES~~** may include accessory large group classes and competition as subordinate activities. A **~~SPORTS TRAINING FACILITY~~** is considered to be distinct from commercial recreational services catering to the general public such as health and fitness clubs, shooting ranges, archery



~~ranges, bowling alleys, arcades, driving ranges, miniature golf courses, skating rinks, racquet clubs, batting cages and the like.~~

~~**STABLE, PRIVATE.** A stable is any building located on a lot on which a residence is located, designed, arranged, used or intended to be used for not more than four horses for the private use of the residence, but shall not exceed 600 square feet in area.~~

~~**STABLE, PUBLIC.** A stable where horses are kept for remuneration, hire or sale.~~

~~**STAND, ROADSIDE.** A structure for the display and sale of products with no space for customers within the structure itself.~~

~~**STORAGE, EXTERIOR (INCIDENTAL).** The outdoor storage of items directly related to the primary use of a site.~~

~~**STORAGE, OUTSIDE (EXTERIOR).** Exterior stockpiling or safekeeping of materials, machinery, equipment, tools, products, vehicles, shopping carts, snow and accessories. The parking of vehicles for a period of less than 48 consecutive hours does not constitute **OUTSIDE STORAGE**.~~

~~**STORED VEHICLE.** A parked vehicle that has remained in place at the same location for 48 consecutive hours or more.~~

~~**STREET LINE.** The dividing line between the lot and the street.~~

~~**STRUCTURAL ALTERATIONS.** Any change, other than incidental repairs, in the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.~~

~~**STRUCTURE.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.~~

~~**STUDIO, AUDIO OR VIDEO.** Facilities with studios for the creation and production of audio or video programming or recordings.~~

~~**TAKE-OUT RESTAURANT.** Any establishment which has as its principal business the preparation of food, frozen dessert or beverage for sale to be consumed away from the premises of the establishment. This does not apply to restaurants which occasionally sell such items for consumption away from the premises and does not apply to drugstores or grocery stores.~~

~~**TAPROOM.** An area for the on-sale consumption of malt liquor produced for consumption on the brewery premises or adjacent property in common ownership of the brewer, which may include sales of malt liquor produced and packaged at the brewery for off-premises consumption as allowed by M.S. § 340A.285, or its successor.~~

~~**TECHNOLOGY CAMPUS.** A facility or group of facilities dedicated to development, manufacturing, and/or distribution of high-tech products and where a substantial~~

~~proportion of the building floor area is dedicated to office uses as well as high-tech production and/or research and development.~~

~~**TEMPORARY PANDEMIC, EPIDEMIC, OR EMERGENCY SERVICE FACILITY.** A temporary facility that provides non-residential services in response to a pandemic, epidemic, or emergency.~~

~~**TEMPORARY RECYCLING EVENT.** An approved event on public or private property designed to collect recyclable materials for two days or less.~~

~~**TEMPORARY STORAGE UNIT OR CONTAINERS.** Transportable storage units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis. **TEMPORARY STORAGE UNITS OR CONTAINERS** do not include dumpsters for construction debris or refuse, or self-propelled motor vehicles, and may not be used for habitation for humans or animals.~~

~~**TENT.** Any structure, including portable or temporary structures, consisting of a composite frame of stakes, beams, ropes, or cables, that is covered or enclosed or readily covered or enclosed with canvas or similar pliable materials and supported in any manner except by air or by the contents it protects.~~

~~**THERAPEUTIC MASSAGE ENTERPRISE.** Any business establishment providing therapeutic massage services to the public as defined in Chapter 14 of this code.~~

~~**TINY HOUSE.** A structure under 1,040 square feet, on wheels or sited on the ground (no trailer), and designed and intended for temporary or permanent residential use by a single family (excluding manufactured homes and recreational vehicles).~~

~~**TOWER.** Any ground or roof mounted pole, spire, structure, or combination thereof, taller than 15 feet, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, wind turbine, solar panel or similar apparatus above grade.~~

~~**TOWER, MULTI-USER.** A tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.~~

~~**TOWER, SINGLE-USER.** A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this code.~~

~~**TOWING SERVICE.** An establishment engaged in the towing or storage of damaged, inoperable or impounded vehicles. Such use shall not include the wrecking or dismantling of vehicles.~~

~~**TOWNHOUSE/ROWHOUSE.** A building or group of buildings that include three or more dwelling units on a site where the dwelling units are configured in a side by side fashion and share at least one common wall but are not vertically stacked.~~

~~**TRAILER BED.** That portion of a trailer that is designed to make contact with and bear the weight of the load to be carried.~~

~~**TRANSIENT LODGING FACILITY.** A dwelling of one or more units, or portion thereof, in which a person or persons pay rent for occupancy, possession or tenancy of the property and where the actual term of occupancy, possession or tenancy of the property pursuant to that lease, license or other agreement is less than 30 consecutive calendar days, including, but not limited to bed and breakfasts, resorts, vacation homes, crash pads, hostels and the like.~~

~~**TRANSIENT MERCHANT SALES.** Temporary sales of goods such as arts, crafts, cosmetics, personal apparel and household furnishings for not longer than three days in one week.~~

~~**TRANSITWAY.** High demand travel corridors that offer improved transit service that includes bus rapid transit, light rail, or commuter rail.~~

~~**TREE.** A large woody perennial plant with normally one main trunk and many branches.~~

~~**TREE, DECIDUOUS.** A tree that loses its leaves in the winter.~~

~~**TREE, EVERGREEN.** A tree that retains its leaves in the winter. Generally, an evergreen tree's leaves are needles.~~

~~**TREE, ORNAMENTAL.** A deciduous tree that is anticipated to be 25 feet or less in height when mature.~~

~~**TREE, OVERSTORY.** A deciduous tree that is anticipated to be over 25 feet in height when mature.~~

~~**TRELLIS.** A frame of latticework used as a screen or as a support for climbing plants.~~

~~**TRUCK AND/OR TRAILER RENTAL.** A facility primarily engaged in the rental of commercial trucks and/or trailers that may include accessory rental of automobiles, with an automobile inventory no more than nine vehicles, consistent with any applicable performance standards.~~

~~**UNIFORMITY RATIO.** The point of greatest illumination divided by the point of least illumination.~~

~~**USABLE OPEN SPACE.** That part of a lot that is not covered by buildings, drives, and parking areas, is landscaped and developed for active or passive recreational and leisure use, is conveniently located and accessible to all the units and that is a minimum of fifteen feet in width and depth.~~

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

~~**USE, PRINCIPAL.** The main use of land, buildings or other structures as distinguished from a subordinate or accessory use.~~

~~**USED CAR LOT.** Any land used or occupied for the purpose of buying and selling secondhand passenger cars or trucks and the storing of same prior to sale.~~

~~**VARIANCE.** A situation in which practical difficulties or unnecessary hardships would result from the carrying out of the strict provisions of this chapter, and the waiver of such requirements would not unduly interfere with the general purpose and intent of this chapter and the granting of such waiver would not adversely affect the health, safety or general welfare of the residents of the city and would accomplish substantial justice.~~

~~**VEHICLE REBUILDING AND BODY WORK.** The rebuilding or reconditioning of motor vehicles; body, frame or fender straightening; painting; rust proofing; or other similar activity.~~

~~**VEHICLE RENTAL FACILITY.** A facility primarily engaged in the rental of automobiles or light trucks and vans that may include incidental parking and servicing.~~

~~**VEHICLE REPAIR, MAJOR.** An establishment engaged in performing major repairs and service to passenger automobiles, trucks, vans and motorcycles. **MAJOR REPAIR** may include all activities of repair or servicing allowed in a minor automobile repair establishment as well as major engine and transmission repair and replacement and paintless dent repair (pdr). The rebuilding or reconditioning of passenger automobiles, body, frame, painting, rust proofing or other similar activity is not considered **MAJOR VEHICLE REPAIR** and is defined separately.~~

~~**VEHICLE REPAIR, MINOR.** An establishment engaged in performing minor repairs and service to passenger automobiles, trucks, vans and motorcycles. **MINOR REPAIR** may include muffler replacement, oil and fluid changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, minor engine and transmission repair, flushing of radiators, servicing of air conditioners, any minor maintenance, repair or replacement of motor vehicle components such as audio system installation, window tinting, wheel rim upgrades, engine tune-ups, vehicle diagnostic analysis and other vehicle inspections, lubrications, remote car starts, engine or exhaust add-ons and other after market parts, and similar minor repairs and service.~~

~~**WAREHOUSING.** The indoor storage of materials, equipment or products. **WAREHOUSING** does not include self-storage facilities, which are defined separately.~~

~~**WAREHOUSING, LIMITED.** The indoor storage of materials, equipment or products including such customary and incidental activities as approved with the conditional use permit. **WAREHOUSING, LIMITED** has infrequent truck traffic, no open storage of materials and does not involve manufacturing. **WAREHOUSING, LIMITED** does not include self-storage facilities, which are defined separately.~~

~~**WHOLESALING.** An establishment primarily engaged in the sale of goods to retailers or other business users, or to other wholesalers and related subordinated services.~~



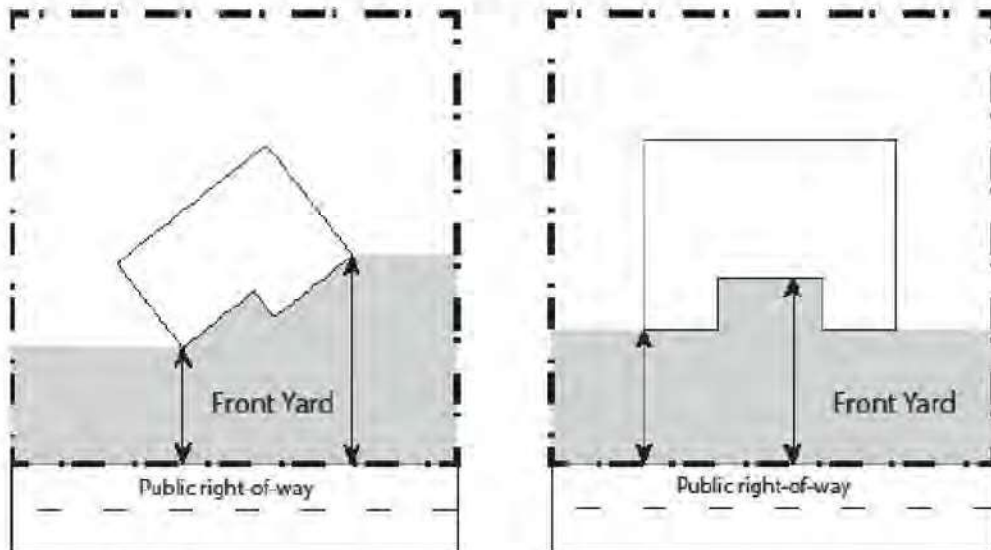
~~**WINERY, CRAFT.** A facility that manufactures wine, which includes vermouth, cider, sherry, and sake as defined by M.S. § 340A.301, with a capacity of 108,500 or fewer gallons a year.~~

~~**WORK/LIVE UNIT.** A built space used or designed to be used both as a workplace, where the primary work is performed on site, and as a residence by one family, and where the residential use is secondary to the primary use as a place of work.~~

~~**XERISCAPING.** Landscaping with slow-growing, drought tolerant vegetation or other decorative features for the purpose of conserving water and reducing yard waste.~~

~~**YARD.** An open unoccupied space other than a court, unobstructed from the ground to the sky, except where specifically provided by the Building Code, Chapter 15, on the lot on which a building is situated.~~

~~**YARD, FRONT.** The portion of the yard lying between a front lot line and the front line of the principal building, or if there is no principal building, the required front setback line across the full width of the lot between the side lot lines as represented below.~~



~~**YARD, REAR.** The portion of the yard lying between the rear lot line and the rear line of the principal building, or if there is no principal building, the required rear setback line across the full width of the lot between the side lot lines. In those locations where an alley is platted in the rear of the lots, one-half of the width of the platted alley may be included as part of the rear yard area for required setback and encroachment purposes.~~

~~**YARD, SIDE.** The portion of the yard lying between a side lot line and the side line of the principal building, or if there is no principal building, the required side setback line between the front and rear yard.~~

**DIVISION C: LOTS, BUILDING AND OBSTRUCTIONS**

**§ 19.04 BUILDINGS ON LOT.**

~~—In a single family residential district, every building hereafter erected or structurally altered shall be located on a lot. The words “principal building” shall be given their common, ordinary meaning; in case of doubt, or on any question of interpretation the decision of the issuing authority shall be final.~~

#### **~~§ 19.04.01 ZONING LOTS.~~**

~~For zoning purposes including, but not limited to, determining structure setbacks, accessory building limitations and impervious surface coverage, a “lot” may be composed of multiple adjacent properties under common ownership or control that are used together as one site. To qualify as a zoning lot, all properties therein must have one common tax or property identification number, see § 22.11.1.~~

#### **~~§ 19.05 AGRICULTURAL STANDS.~~**

~~Nothing in this chapter shall be deemed to prohibit the construction or maintenance of any stand or shelter for the sale of agricultural products produced on the premises; provided that if the structure is within ten feet of the front lot line, it shall be used only during the season when the products sold are in season and at all other times shall be removed from said location.~~

#### **~~§ 19.06 PROPOSED BUILDINGS ON STREET SITES.~~**

~~A building permit shall not be issued for any building in unplatted areas that would obstruct a future street planned by the city.~~

#### **~~§ 19.07 BUILDINGS TO ABUT STREET.~~**

~~No building permit shall be granted on any lot which does not abut upon a public street. This limitation shall not apply to planned developments approved by the City Council pursuant to the zoning ordinance.~~

#### **~~§ 19.08 PERMITTED ENCROACHMENTS INTO REQUIRED YARDS AND SETBACK AREAS.~~**

~~(a) *General.* Except where otherwise regulated by this code and as established below, all buildings, site features and equipment shall maintain the setback requirements established for the zoning district in which they are located.~~

~~(b) *Permitted encroachments; required setbacks.* Except as prohibited by Chapter 17, Article II, Division E of this code, the site features and equipment listed below shall be permitted to locate in yards and to encroach into required zoning district setbacks to the extent specified in this section, but in all cases shall maintain the minimum setback indicated.~~

~~(1) *Yards.* The established yards of the Zoning Code and any primary zoning district. For the purposes of this section, the terms “front yard,” “side yard” and “rear yard” shall have the same meanings as defined in § 19.03, except that any yard~~

~~adjacent to a public street shall in all cases be considered a "front" yard for setback purposes unless otherwise specified.~~

~~(2) *Setbacks from public streets.* All setbacks from public streets or proposed public streets shall be measured from the planned widened rights of way in accordance with the Master Street Plan of the city. References to a "front property line" is assumed to denote the planned widened rights of way in accordance with the Master Street Plan of the city.~~

~~(3) *Required setback.* Except where otherwise noted, references to "required setback" means the minimum setback required for the principal building in the applicable zoning district.~~

~~(c) *In all zoning districts.*~~

~~(1) Utility poles and wires, water, gas and other public utility appurtenances are permitted at any location in a front, side or rear yard with no minimum setback from any property line.~~

~~(2) Retaining walls up to four feet in height are permitted at any location in a front yard provided that a front setback of not less than ten feet shall be maintained and at any location in a side or rear yard with no minimum setback from any property line. There shall be no encroachment into public easements of record without the written approval of the issuing authority.~~

~~(3) Steps, stoops, egress windows and exterior landings are permitted in a front, side or rear yard providing that front, side and rear setbacks of not less than five feet shall be maintained. There shall be no encroachment into public easements of record without the written approval of the issuing authority.~~

~~(4) Private sidewalks are permitted in a front yard without a minimum front setback provided that a side setback of not less than five feet shall be maintained, and a side or rear yard providing that side or rear setbacks of not less than five feet shall be maintained. Private sidewalks shall not encroach into public easements of record without the written approval of the issuing authority.~~

~~(5) Overhanging eaves may encroach up to three feet into a required front, side or rear setback. Where a required setback to a property line is reduced to less than three feet by reason of a variance or other approval granted by the city, the allowed eave encroachment shall in no event cross the property line. An overhanging eave may encroach up to six feet into a required front or rear setback when placed over steps, stoops or an exterior landing providing that the encroachment shall not exceed eight feet in width along the wall plane. There shall be no encroachment into public easements of record without the written approval of the issuing authority.~~

~~(6) Underground garages, in accordance with § 21.301.06(h), may encroach into any required front, side or rear setback, provided that a front setback of not less than 15~~



~~feet and side and rear setbacks of not less than five feet shall be maintained. There shall be no encroachment into public easements of record without the written approval of the issuing authority.~~

~~(7) Antennas and supporting structures, including satellite receiving antennas greater than one meter in diameter in residential districts and greater than two meters in diameter in nonresidential districts, shall not be located within a front yard and shall be located only to the side or rear of the principal structure where side and rear setbacks of no less than ten feet shall be maintained. All antennas and supporting structures, including satellite receiving antennas, shall meet the applicable requirements of §§ 15.14, 19.63.05 and 21.301.10 of the city code. There shall be no encroachment into public easements of record without the written approval of the issuing authority.~~

~~(8) Ramps and other devices for access to buildings and sites by disabled persons in compliance with the American Disabilities Act may encroach into any required front, side or rear setback, provided that a front setback of not less than 20 feet and side and rear setbacks of not less than two feet shall be maintained. There shall be no encroachment into public easements of record without the written approval of the issuing authority.~~

~~(9) Fences are permitted to encroach into front, side and rear yard setbacks when specifically permitted by the city code.~~

~~(10) Open air dog runs may encroach into any required front, side or rear setback, provided that a front setback of not less than 15 feet and side and rear setbacks of not less than five feet shall be maintained. Structures as part of the dog run must meet the required setback. Fencing must comply with city code requirements. There shall be no encroachment into public easements of record without the written approval of the issuing authority.~~

~~(d) In residential zoning districts (R-1A, R-1, RS-1, R-4, RM-12, RM-24 and RM-50):~~

~~(1) Patios and terraces may encroach ten feet into a required front setback, five feet into a required side setback and 20 feet into a required rear setback, provided that a front setback of not less than 20 feet, a side setback of not less than five feet and a rear setback of not less than ten feet shall be maintained. There shall be no encroachment into public easements of record without the written approval of the issuing authority.~~

~~(2) Open decks and balconies not greater than five feet above grade at any point may encroach ten feet into a required front setback, five feet into a required side setback and 20 feet into a required rear setback, provided that a front setback of not less than 20 feet, a side setback of not less than five feet and a rear setback of not less than ten feet shall be maintained. There shall be no encroachment into public easements of record without the written approval of the issuing authority.~~



~~(3) Open decks and balconies greater than five feet in height above grade at any point may encroach five feet into a required front setback and ten feet into a required rear setback, provided that a front setback of not less than 25 feet, a rear setback of not less than 20 feet and a side setback of not less than ten feet shall be maintained. Such features are permitted in a side yard provided that a side setback of no less than ten feet shall be maintained. There shall be no encroachment into public easements of record without the written approval of the issuing authority.~~

~~(4) Chimneys may encroach three feet into a required front, side or rear setback, provided that front and rear setbacks of not less than 27 feet and a side setback of not less than seven feet shall be maintained. Chimneys shall not encroach into public easements of record without the written approval of the issuing authority.~~

~~(5) Awnings may encroach three feet into a required front, side or rear setback, provided that front and rear setbacks of not less than 27 feet and a side setback of not less than seven feet shall be maintained. An awning may encroach up to six feet into a required front or rear setback and up to five feet into a required side setback when placed over steps, stoops or an exterior landing, provided that the encroachment shall not exceed eight feet in width along the wall plane and that front and rear setbacks of not less than 24 feet and a side setback of not less than five feet shall be maintained. Awnings shall not encroach into public easements of record without the written approval of the issuing authority.~~

~~(6) Clothes lines and laundry drying equipment are not permitted within the front yard and shall be located only in side and rear yards where side and rear setbacks of not less than five feet shall be maintained. In instances where the side or rear yard abuts a public street, the required setback shall be no less than the required setback for a principal building in the zoning district. These features shall not encroach into public easements of record without the written approval of the issuing authority.~~

~~(7) Arbors and trellises may encroach ten feet into a required front setback, five feet into a required side setback and 20 feet into a required rear setback, provided that a front setback of not less than 20 feet, a side setback of not less than five feet and a rear setback of not less than ten feet shall be maintained. A setback of not less than 20 feet shall be maintained from any public street. These features shall not encroach into public easements of record without the written approval of the issuing authority.~~

~~(8) Permanently installed outdoor fireplaces and barbecues are not permitted within the front yard and shall be located only in side and rear yards. Such features shall not encroach into the required side setbacks and may encroach up to 15 feet into the required rear setback provided that a rear setback of not less than 15 feet shall be maintained. In instances where the side or rear yard abuts a public street, a setback of not less than the required front setback shall be maintained. Such features shall not encroach into public easements of record without the written approval of the issuing authority.~~

~~(9) Basketball backboards, rims and support structures may encroach 15 feet into required front and rear setbacks and five feet into a required side setback in the front yard, provided that front and rear setbacks of not less than 15 feet and a side setback in the front yard of not less than five feet shall be maintained. In side and rear yards, side setbacks of not less than 15 feet shall be maintained. Such features may encroach on public easements of record with the written approval of the issuing authority.~~

~~(10) Other recreational equipment, such as, but not limited to, play apparatus over four feet in height, ice rinks, skateboard ramps over two feet in height, trampolines, and children's swimming pools over two feet in height are not permitted within the front yard. Such features are permitted in side and rear yards provided that side and rear setbacks of not less than 15 feet shall be maintained, including those instances where the side or rear yard abuts a public street. Such features may encroach on public easements of record with the written approval of the issuing authority.~~

~~(11) Air conditioning equipment may encroach five feet into any required front, side and rear setback, provided that front and rear setbacks of not less than 25 feet and side setbacks of not less than five feet shall be maintained. Air conditioning equipment shall not encroach into public easements of record without written approval of the issuing authority.~~

~~(12) Bay and bow windows may encroach two feet into any required front, side and rear setback, provided that front and rear setbacks of not less than 28 feet and a side setback of not less than eight feet shall be maintained. Such features shall not encroach into public easements of record without written approval of the issuing authority.~~

~~(13) Entry vestibules ten feet or less in width may encroach six feet into any required front and rear setback, provided that front and rear setbacks of not less than 24 feet shall be maintained. The overhanging eaves of the entry vestibule may encroach up to an additional three feet into the required front, side or rear setback provided that the entry vestibule eaves do not exceed the prevailing dimension of overhanging eaves on the elevation of the house to which the entry vestibule is attached. No encroachment shall be allowed into a required side setback, except for an overhanging eave as described above. Such features shall not encroach into public easements of record.~~

~~(14) Covered but open porches without windows or screens may encroach eight feet into any required front setback and ten feet into any required rear setback, provided that a front setback of not less than 22 feet and a rear setback of 20 feet is maintained. No encroachment shall be allowed into a required side setback. Such features shall not encroach into public easements of record.~~

~~(e) In nonresidential zoning districts:~~

~~(1) Telephone booths are permitted in any front, side or rear yard, provided that a front setback of not less than 15 feet, a side setback of not less than five feet and a rear setback of not less than that required for the principal building in the zoning district shall~~

~~be maintained. Telephone booths shall not encroach into public easements of record without written approval of the issuing authority.~~

~~(2) Newspaper boxes are permitted in the front, side and rear yards when the property is occupied by a principal building, provided that a front setback of not less than 15 feet and side, and rear setbacks of not less than five feet shall be maintained. In instances where the side or rear yard abuts a public street, a setback of not less than the required front setback shall be maintained. Such features shall not encroach into public easements of record without the written approval of the issuing authority.~~

~~(3) Awnings and canopies may encroach six feet into required front and rear setbacks and four feet into required side setbacks provided that a front setback of not less than ten feet, and side and rear setbacks of not less than five feet shall be maintained. Such features shall not encroach into public easements of record without the written approval of the issuing authority.~~

~~(4) Underground storage tanks for any purpose (but not above-ground appurtenant equipment) are permitted in any front, side or rear yard, provided that front, side and rear setbacks of not less than ten feet shall be maintained. Such features shall not encroach into public easements of record.~~

~~(5) Above-ground equipment appurtenant to underground storage tanks (except fuel dispensing equipment and stations as per § 21.302.15 of this code) is not permitted within a front yard and must be located only in side and rear yards. The side setback for such equipment not over five feet in height above grade must be not less than ten feet and the equipment must be screened from public streets and adjacent properties in accordance with the requirements of § 21.302.15(d). The side setback for such equipment over five feet in height above grade must be not less than the required side setback of the principal building in the zoning district or ten feet, whichever is greater. The rear setback for all such equipment must be not less than ten feet. Such equipment must not encroach into public easements of record.~~

~~(6) Refuse and recyclable material storage rooms may encroach eight feet into a required side setback and 12 feet into a required rear setback, provided that a side setback of not less than five feet and a rear setback of not less than 15 feet shall be maintained. Such features are not permitted within the yard area between a building and the public right-of-way. Such features shall not encroach into public easements of record without written approval from the issuing authority.~~

#### **DIVISION D: RESERVED**

### **ARTICLE II: ADMINISTRATION AND PROCEDURE**

#### **§ 19.12 DEFINITION.**



The following word, when used in this Article II, shall have the following meaning, unless the context clearly indicates otherwise.

**REZONING.** Actual changes in zoning or zoning boundaries. The procedures for rezoning and conditional use permits shall in all cases be in accordance with the provisions of this Article II.

**~~§ 19.13 INITIATING REZONING.~~**

The Planning Commission or City Council may initiate a proposed rezoning. A property owner or representative of the property owner may request such rezoning if it applies to his or her property. In such case the property owner or his or her representative shall fill out a zoning application form, copies of which are available in the Department of Community Development. No application for a rezoning of a particular piece of property shall be accepted more than once in any 12-month period except as follows:

(1) Rezoning: applications which are withdrawn prior to action taken by the City Council.

**~~§ 19.14 RESERVED.~~**

**~~§ 19.15 FILING PETITION.~~**

(a) Rezoning: the petition shall be filed with the Department of Community Development and shall be referred to the Planning Commission for consideration.

**~~§ 19.15.01 RESERVED.~~**

**~~§ 19.16 RESERVED.~~**

**~~§ 19.17 PLANNING COMMISSION CONSIDERATION.~~**

The Planning Commission shall consider the petition at its next regular meeting, but not earlier than ten days after filing of the petition. This meeting shall serve as the hearing on the petition.

**~~§ 19.18 REPORT TO CITY COUNCIL.~~**

The Planning Commission shall make its report to the City Council as soon as practical. The Planning Commission report shall not be delayed at the request of either the petitioner or of persons objecting to the request of the petitioner. If the Planning Commission does not forward to the Council a formal decision or recommendation within 60 days after the hearing, the petitioner may appeal directly to the Council for a decision.

**~~§ 19.19 CITY COUNCIL ACTION.~~**

The Council must take action on the petition within 60 days after receiving the report of the Planning Commission or said petition shall fail, unless the Council shall extend such



~~time for good cause. A petition for a conditional use permit may be granted only by vote of a majority of all members of the Council.~~

#### **~~§ 19.20 CERTIFICATES OF OCCUPANCY.~~**

~~Certificates of occupancy and use shall be secured as required by the Building Code, Chapter 15, Article I; in the case of conditional use permits, such certificates shall not be issued until all conditions imposed by the City Council have been met unless otherwise specified by the City Council.~~

#### **~~§ 19.21 ENFORCEMENT AND VIOLATIONS.~~**

~~(a) Administered and enforced. The Zoning Code shall be administered and enforced by the issuing authority. The issuing authority may institute in the name of the city any appropriate actions or proceedings against a violator as provided by statute or this code. Each day that a violation is permitted to exist shall constitute a separate offense.~~

~~(b) Conditions of approval.~~

~~(1) Conditions of approval attached to any decision of the City Council concerning the use of land or buildings or the development or alteration of any site or building shall be binding on all owners, proprietors, tenants, occupants, inhabitants or residents, whether the original applicant or subsequent users of the property.~~

~~(2) The issuing authority may institute any appropriate action, including available civil legal remedies, to ensure compliance with the conditions of approval.~~

#### **~~§ 19.22 PENALTY.~~**

~~Violation of any provision of this chapter shall be a misdemeanor. Civil penalties may also be issued pursuant to § 12.15 of the City Charter and § 1.19 of this city code. However, nothing in this chapter shall be construed to limit the city's other available legal remedies for any violation of the law, including without limitation, criminal, civil and injunctive actions.~~

#### **~~§ 19.22.01 RESERVED.~~**

#### **~~§ 19.23 RESERVED.~~**

#### **~~§ 19.23.01 CANCELLATION OF VARIANCES.~~**

~~(a) Unless otherwise specified by the City Council at the time it is authorized, a variance shall expire if the variance or conditional use permit is not utilized through obtaining a building permit or otherwise, one year from the date of its authorization.~~

~~(b) Reserved.~~

~~(c) In the event that building plans or site plans are required to be approved by the Planning Commission or City Council before a building permit can be issued, such approval will have the effect of extending the term of the variance for a period of one year beyond the date of approval of such building or site plans.~~

~~(d) Reserved.~~

~~(e) In the event that a change in use or a change in the application of the variance to the use of property occurs as a result of action by the occupant or owner or the application of the variance ceases for a continuous period of one year, the variance shall be considered as expired and any subsequent use of the premises shall be in conformance with the use regulations for the zoning district in which the property is located.~~

~~(f) A variance granted for a nonconformity expires when the nonconformity is discontinued as described in the definition in city code § 21.504(b).~~

### ~~ARTICLE III: ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES~~

#### ~~§ 19.24 ZONING DISTRICTS AND ZONING DISTRICT ORDINANCES AND MAPS.~~

~~(a) Zoning districts. For the purpose of this code, the city is hereby organized into the following primary zoning districts:~~

~~(1) Single Family Residential Districts:~~

~~Single Family Residential R-1 District. All of the city except those parts described as lying within one of the following primary zoning districts established by this section~~

~~Single Family Residential R-1A District~~

~~Large Lot Single Family RS-1 District~~

~~(2) Multiple Family Residential Districts:~~

~~Townhouse Residential R-3 District~~

~~Multiple Family Residential R-4 District~~

~~Multiple Family Residential RM-12 District~~

~~Multiple Family Residential RM-24 District~~

~~Multiple Family Residential RM-50 District~~

~~Multiple Family Residential RM-100 District~~

~~(3) Neighborhood Commercial Districts:~~

~~Neighborhood Office B-1 District~~

~~General Commercial B-2 District~~

~~Neighborhood Commercial Center B-4 District~~

~~(4) Freeway Commercial Districts:~~

~~Freeway Office and Service C-1 District~~

~~Freeway Commercial C-2 District~~

~~Freeway Commercial Center C-3 District~~

~~Freeway Office C-4 District~~

~~Freeway Mixed Use C-5 District~~

~~Regional Commercial CR-1 District~~

~~(5) Industrial Districts:~~

~~Industrial Park I-1 District~~

~~Limited Industry I-2 District~~

~~General Industry I-3 District~~

~~Industrial Park IP District~~

~~Innovation and Technology IT District~~

~~Transitional Industrial TI District~~

~~(6) Mixed Use Districts:~~

~~Mixed Use CX-2 District~~

~~High Intensity Mixed Use With Residential HX-R District~~

~~Lindau Mixed Use LX District~~

~~(7) Reserved:~~

~~(8) Reserved:~~

~~(9) Commercial Service Districts:~~

~~Commercial Service CS-0.5 District~~

~~Commercial Service CS-1 District~~

~~(10) Commercial Office Districts:~~

~~Commercial Office CO-1 District~~

~~(11) Reserved.~~

~~(12) Residential Office District:~~

~~Residential Office RO-24 District~~

~~(13) Conservation SC District.~~

~~(14) Freeway Development District:~~

~~Freeway Development FD-2 District~~

~~(b) *Overlay districts.* For the purpose of this code, the city is hereby organized into the following overlay zoning districts:~~

~~(1) Planned Development PD Overlay District;~~

~~(2) Flood Hazard FH Overlay District;~~

~~(3) Bluff Protection BP Overlay District;~~

~~(4) Reserved;~~

~~(5) Airport Runway (AR-17) Overlay District; and~~

~~(6) Airport Runway (AR-22) Overlay District.~~

~~(c) *Zoning district map.* The location and boundaries of the primary and overlay zoning districts shall be legally described in ordinances adopted by the City Council. Such zoning district descriptions shall be reflected in an official zoning district map that is established and maintained as provided herein. In the event of a conflict between an ordinance adopting or amending a zoning district and the zoning district map, the ordinance shall control.~~

~~(d) *Zoning district map.* The location and boundaries of the primary and overlay zoning districts established by this chapter of the city code shall be set forth on the zoning district map of the city in accordance with the ordinances describing those districts, and the zoning district map shall be effective as of the date of adoption of these ordinances. The zoning district map and all notations, references and other information shown thereon are hereby made a part of this chapter by reference and shall have the same force and effect as if such map and all notations, references and other information shown thereon were fully set forth or described herein. The format of the zoning district map shall be determined by the Department of Community Development.~~

~~(e) *Location of zoning district map.* The zoning district map shall be kept permanently on file in the office of the Department of Community Development of the city and shall be available for inspection by the public during normal business hours.~~



~~(f) Amendments to the zoning district map. Amendments to the zoning districts in this code and zoning district boundaries as shown in the zoning district map shall be by ordinance adopted by the City Council in accordance with the procedures set forth in Article II, Chapter 19 of the city code.~~

~~(g) Maintenance of zoning district map. The Department of Community Development shall be responsible for maintaining and updating the zoning district map. Any amendments to the zoning district map shall be recorded on the appropriate map(s) within 30 days of adoption by the City Council.~~

### **~~§ 19.25 RULES IN ESTABLISHING ZONING DISTRICTS.~~**

~~(a) The purpose of this section is to establish a framework and uniform rules for location and boundaries of zoning districts established by this chapter.~~

~~(b) Unless otherwise determined by the City Council the zoning district boundary lines shall be established as follows:~~

~~(1) Zoning districts abutting municipal boundaries shall utilize those boundaries;~~

~~(2) When an existing roadway, alley or railroad right-of-way or centerline is a zoning district boundary line and that right-of-way is vacated or legally discontinued, the zoning district boundary line shall remain in place;~~

~~(3) When a channel centerline of a river, stream or water course is a zoning district boundary line and there is a natural change in the location of the channel centerline, the zoning district boundary shall be considered to have moved with the channel centerline;~~

~~(4) District boundary lines for the Conservation SC, Flood Hazard FH Overlay, and Bluff Protection BP Overlay Districts may also be described as following a specific datum elevation contour above mean sea level between specified reference points. District boundary areas for the Bluff Protection BP Overlay District may also be described as steep slopes of 18% or greater over a horizontal distance of 25 feet or longer; and~~

~~(5) Where a dimensioned zoning district boundary line coincides approximately but not exactly with a lot line which did not exist on the effective date of incorporation of the zoning district boundary line into the zoning district map, the lot line shall be the zoning district boundary line at that location.~~

~~(6) Ponds, lakes and other submerged areas:~~

~~(A) When entirely within or enclosed by a primary zoning district, the pond, lake or submerged area shall have the same primary zoning unless otherwise described;~~

~~(B) When a pond, lake or other submerged area abuts two or more primary zoning districts and is not located entirely within one of them nor described in a separate district, the boundaries of each abutting primary zoning district shall be extended in a~~

straight line across the pond, lake or submerged area until intersection with another district boundary; and

~~(C) Primary zoning district boundaries shown as following the shorelines of any pond, lake, or submerged area shall be considered to follow the ordinary high water line and, in event of a natural change in the ordinary high water line, shall be considered to have moved with the ordinary high water line.~~

~~(c) Wherever a direction and distance is given as a zone boundary, it is intended and shall be construed to mean a line parallel to the physical feature such as street centerline or right-of-way line last described.~~

~~(d) Wherever a strip of land is referred to, it is intended and shall be construed to mean abutting upon the last described physical feature.~~

### **§ 19.26 USES.**

~~(a) Certificate of occupancy required. Where required by the current State Building Code, no building or premises may hereafter be used or occupied and no change in the occupancy classification of a building, structure or portion of a building or structure may be made, unless a certificate of occupancy is issued by the issuing authority.~~

~~(b) Use is not specifically listed. When a use is not specifically listed in Chapter 19 or 21 as a permitted, accessory, provisional, interim, limited or conditional use in one of the zoning districts, it shall be assumed that such use is hereby expressly prohibited.~~

~~(c) Permitted uses. The following uses shall be construed to be permitted in all zoning districts within the city:~~

~~(1) Public streets and highways; and~~

~~(2) Underground public utilities.~~

~~(d) Prohibited uses. These following uses shall be construed to be prohibited in all zoning districts within the city.~~

~~(1) Dealer in motor vehicles. No building, structure, lot, yard, area or premises within the city shall be kept, used or maintained by a dealer in motor vehicles for the purpose of therein or thereon keeping, storing, handling, buying, selling, leasing, wholesaling, brokering, auctioning or displaying any new, used, secondhand or junked motor vehicle or motor vehicle accessories when of a temporary or transient nature. A dealer in motor vehicles shall only engage in such businesses at a permanent location and in accordance with permitted or conditional zoning district requirements. This provision shall not apply to the occasional sale of a motor vehicle by a private owner upon his or her own property in a residential zone.~~

~~(2) Bungee jumping.~~

~~A. *Purpose.* The City Council finds that the practice of bungee jumping, also known as bungee cord jumping and reverse bungee jumping, has resulted in personal injuries and deaths which are likely to continue to occur. The City Council notes that most bungee jumping operations are conducted in combination with the use of a crane which has not been designed or manufactured for those purposes. The City Council concludes that bungee jumping is an inherently dangerous and life-threatening practice, likely to cause great harm or death to the participants.~~

~~B. *Definition.* **BUNGEE JUMPING** means the sport, activity or practice of jumping, stepping out, dropping or otherwise being released into the air while attached or fastened to a cord made of rubber, latex or other elastic type material, whether natural or synthetic, whereby the cord stops the fall, lengthens and shortens, allows the person to bounce up and down and is intended to finally bring the person to a stop at a point above the surface.~~

~~C. *Prohibition.* The practice of bungee jumping in any form whatsoever, whether open to the general public or for demonstration, exhibition or other purposes, is hereby prohibited.~~

~~D. *Penalty.* It shall be a misdemeanor to violate any provision of this subsection (d)(2).~~

~~§ 19.27 RESERVED.~~

~~§ 19.27.01 RESERVED.~~

~~§ 19.28 RESERVED.~~

~~§ 19.28.01 RESERVED.~~

~~§ 19.28.02 RESERVED.~~

~~§ 19.28.03 RESERVED.~~

~~§ 19.29 HIGH INTENSITY MIXED USE WITH RESIDENTIAL (HX-R) DISTRICT.~~

~~(a) *Intent.* It is the purpose of this district to provide for high intensity employment-oriented, tourist-oriented and residential uses in areas close to frequent transit service. The provisions of this district are intended to:~~

~~(1) Promote high intensity development;~~

~~(2) Avoid under-utilization of the small supply of land in the city that lies within one-half mile of high frequency mass transit service;~~

~~(3) Require the creation of a significant high density residential node to diversify housing options available in the city and create a live-work-recreation environment;~~

~~(4) Reduce vehicle trips and vehicle miles traveled relative to the same level of development in other areas by allowing residences in close proximity to employment and services, by allowing intense development in close proximity to high frequency transit service, and by encouraging multi-purpose trips, walking trips, carpool trips and transit trips;~~

~~(5) Reduce overall costs and impacts of parking by making shared parking feasible where peak parking demand times vary among uses;~~

~~(6) Maximize return on public utility and transportation infrastructure investments by requiring high intensity development;~~

~~(7) More efficiently use public and private infrastructure by taking advantage of peak demand time variations for infrastructure (roads, transit, sewer, water, electricity, phone) among land uses. By becoming a source of trip origins as well as trip destinations, roadway and transit systems can be used in a more efficient bi-directional manner;~~

~~(8) Ensure that residential development is compatible with the surrounding noise levels;~~

~~(9) Provide a pedestrian oriented environment; and~~

~~(10) Provide floor area ratio bonuses to encourage development characteristics that advance citywide and district specific objectives, including accessory and limited retail and service uses, below grade parking, parks or plazas, affordable housing, public art and sustainable design.~~

~~(b) Permitted principal uses:~~

~~(1) Offices;~~

~~(2) Hotels;~~

~~(3) Multiple family dwellings;~~

~~(4) Transit stations;~~

~~(5) Public uses;~~

~~(6) Cinema and theaters;~~

~~(7) Medical offices and clinics;~~

~~(8) Conference, exposition and meeting facilities;~~

~~(9) Entertainment and recreation special events;~~

~~(10) Farmers market subject to standards set forth in Chapter 14, Article IX;~~



~~(11) Arts and crafts festival subject to standards set forth in Chapter 14, Article X; and~~

~~(12) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18.~~

~~(c) Permitted limited and accessory uses:~~

~~(1) Limited uses. The following uses are permitted as limited uses:~~

~~(A) Retail uses for the sale of groceries, bakery goods, drugs, sundry items, gifts, books, recorded music, arts and crafts, plants and similar items;~~

~~(B) Personal and business service establishments including dry cleaners, exercise and health activities, beauty and barber shops, copying services, photo developing, picture framing, licensed therapeutic massage, travel agencies and similar establishments;~~

~~(C) Restaurants without drive-up facilities;~~

~~(D) Financial institutions without drive-up facilities;~~

~~(E) Day care facilities;~~

~~(F) Fuel sales physically integrated within a structured parking facility;~~

~~(G) Beekeeping;~~

~~— (H) Brewpub;~~

~~— (I) Taproom/cocktail room; and~~

~~— (J) Craft and micro-brewery/distillery/winery.~~

~~(2) Accessory uses. The following uses are permitted as accessory uses:~~

~~(A) Type I home businesses pursuant to standards as set forth in § 21.302.13;~~

~~(B) Hotel manager dwelling unit;~~

~~(C) Transient merchant sales in hotel interiors only; and~~

~~(D) Other uses customarily incidental and clearly subordinate to a permitted principal or conditional use. Drive through uses are prohibited.~~

~~(d) Conditional uses:~~

~~(1) Expansion of electric substation or electric transmission line facilities in existence prior to January 1, 2005, subject to the provisions of subsection (p) below;~~

~~(2) Type II home businesses pursuant to standards as set forth in § 21.302.13;~~

~~(3) Expansion of hotel facilities in existence prior to January 1, 2005, subject to the provisions of subsection (p) below; and~~

~~(4) Manufactured home parks pursuant to standards as set forth in § 21.302.10.~~

~~(e) Interim uses:~~

~~(1) Remote airport parking, subject to the provisions of subsection (p) below; and~~

~~(2) Temporary Pandemic, Epidemic, or Emergency Service Facility.~~

~~(f) Residential uses required:~~

~~(1) Minimum density. Development within the HX-R Zoning District must include at least 30 residential dwelling units per acre of gross site area, with the following exceptions:~~

~~(A) Residential uses are prohibited in areas forecast to have average future aircraft noise levels at or above 70 dB DNL.~~

~~(B) For the purposes of calculating the required number of residential dwelling units for a site within the HX-R Zoning District, the land area, as calculated by city staff, of the site forecast to be exposed to average future aircraft noise levels at or above 70 dB DNL will be subtracted from the overall site area.~~

~~(C) On sites in which over two-thirds of the site area is forecast to be exposed to average future mitigated aircraft noise levels at or above 70 dB DNL, residential uses in the area with less than 70 dB DNL are allowed but not required.~~

~~(D) Forecast aircraft noise levels will be determined based on the highest noise level shown on either the most recent annual noise contour map published in the Minneapolis-St. Paul International Airport Annual Noise Contour report or the noise level forecast for the most distant year included in the most recent comprehensive plan or environmental documents adopted by the Minneapolis-St. Paul International Airport by the Metropolitan Airports Commission.~~

~~(2) Phased developments. When a mixed use development is constructed in phases, it is the intent of the HX-R Zoning District that the residential components of the development not be set aside until the final development phase(s). Therefore, when residential uses are required on a site, final development plans may not be approved for a structure or structures that would increase the total nonresidential floor area on the site to over 50% of the total nonresidential floor area on the site approved in the preliminary development plan unless:~~

~~(A) Construction has commenced on at least 50% of the total number of residential dwelling units on the site approved in the preliminary development plan;~~

~~— (B) The structure or structures include both nonresidential and residential uses and its construction would bring the number of residential dwelling units on the site to at least 50% of the total number of residential dwelling units on the site approved in the preliminary development plan; or~~

~~— (C) The City Council determines that the approval satisfies the intent of the HX-R Zoning District.~~

~~— (g) Floor area ratio.~~

~~— (1) The minimum floor area ratio required for development within the HX-R Zoning District is 1.5.~~

~~— (2) Floor area ratio calculations include all residential and nonresidential development on a site but exclude structured or underground parking.~~

~~— (3) In cases where development on a site occurs in phases, each individual development phase must comply with the floor area ratio requirements of this subsection (g) on its own or in conjunction with previous phases if previous phases exceeded floor area ratio requirements. The overall development must also comply with the floor area ratio requirements of this subsection (g).~~

~~— (4) The maximum floor area ratio for development within the HX-R Zoning District is 2.0, but may be increased through the following bonus provisions.~~

~~— (A) Retail and service use bonus. Developments including limited use retail and service uses are eligible for bonus floor area. Two square feet of additional floor area is allowed per square foot of limited use retail and service use floor area. In no case may the retail and service use floor area ratio bonus exceed 0.50.~~

~~— (B) Below grade parking bonus. Developments including below grade parking are eligible for bonus floor area. Two square feet of additional floor area is allowed per gross square foot of below grade parking floor area. To qualify for the bonus, parking must be fully below the finished final grade on all sides. In no case may the below grade parking floor area ratio bonus exceed 0.75.~~

~~— (C) Plaza or park bonus. Developments not subject to park donation requirements as specified in § 22.10 that include publicly accessible plaza or park areas are eligible for bonus floor area. One square foot of additional floor area is allowed per square foot of publicly accessible plaza or park area meeting the following requirements.~~

~~— (i) Land used to satisfy park dedication requirements is not eligible for park or plaza bonus floor area.~~

~~— (ii) The plaza or park must include at least 5,000 square feet of contiguous area.~~

~~—— (iii) To avoid long and narrow spaces, the length of the plaza or park must not exceed three times the width of the plaza or park.~~

~~—— (iv) At least 25% of the perimeter of the plaza or park must abut a public or private street.~~

~~—— (v) At least 30% of the plaza or park area must consist of landscaping or water features.~~

~~—— (vi) The plaza or park must be easily accessible via sidewalk.~~

~~—— (vii) The plaza or park must be designed to encourage public use through the provision of seating, tables, trash receptacles, water features and areas for public entertainment or public display of art or cultural exhibits. Seating must be provided at a rate of not less than one seat per 200 square feet of plaza or park area for the first 10,000 square feet.~~

~~—— (viii) The site development agreement must include provisions ensuring that the plaza or park is open to the public every day between 7:00 a.m. and 9:00 p.m. and maintained in good order.~~

~~—— (ix) In no case may the park or plaza floor area ratio bonus exceed 0.25.~~

~~—— (x) The site development agreement must include provisions ensuring the installation, preservation, maintenance and replacement, if necessary, of plaza or park features.~~

~~—— (xi) The plaza or park must include pedestrian lighting at an illumination level of at least 2.0 foot candles.~~

~~—— (D) *Affordable housing bonus.* Developments including affordable housing as defined by the Metropolitan Council are eligible for bonus floor area. Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area subject to the following requirements.~~

~~—— (i) The site development agreement must include provisions ensuring that rental units receiving the bonus will continue to remain affordable for 30 years.~~

~~—— (ii) The site development agreement must include provisions ensuring that owned units receiving the bonus will initially be sold at an affordable level and that mechanisms are in place to ensure that the owned units receiving the bonus will continue to remain affordable when resold in the future.~~

~~—— (iii) In no case may the affordable housing floor area ratio bonus exceed 1.0.~~

~~—— (E) *Public art bonus.* Developments committing funds to on-site public art are eligible for bonus floor area. One square foot of additional floor area is allowed per \$50 committed to on-site public art, subject to the following requirements.~~



~~———— (i) In no case shall the public art floor area ratio bonus exceed one-half.~~

~~———— (ii) Developments requesting the public art bonus must submit a plan, to be approved by the City Council, documenting the type of public art to be commissioned, the budget, location, schedule and artist selection process. To qualify for the bonus, the City Council must approve the plan.~~

~~———— (iii) Works of art must be placed outside of a building at a location clearly visible and freely accessible to the public.~~

~~———— (iv) The site development agreement must include provisions ensuring the installation, preservation, maintenance and replacement, if necessary, of the public art.~~

~~———— (v) To ensure that public art is installed as proposed, a performance security in an amount equal to the bonus level approved must be submitted prior to issuance of building permits for a building on a site receiving a public art bonus. The security may consist of a bond, irrevocable letter of credit, cash deposit or other instrument that provides an equal performance guarantee to the city.~~

~~———— (F) *Sustainable design bonus.* Developments designed to minimize negative impacts on the environment as measured by the LEED (Leadership in Energy and Environmental Design) Green Building Rating System® are eligible for bonus floor area. The LEED Rating System® is a voluntary national standard administered by the United States Green Building Council. Bonuses are subject to the following provisions:~~

~~———— (i) One quarter square foot of additional floor area is allowed per square foot of floor area within a building that receives LEED certification at the certified or silver award level. One half square foot of additional floor area is allowed per square foot of floor area within a building that receives LEED certification at the gold or platinum award level.~~

~~———— (ii) In no case may the sustainable design floor area ratio bonus exceed 1.0. The sustainable design floor area ratio bonus applies only to the phase of development that includes a building receiving LEED certification and cannot be carried forward to future project phases.~~

~~———— (iii) Applications for development wishing to use the sustainable design bonus must include a report from a LEED certified architect or engineer that includes a statement of the anticipated LEED certification level, a copy of the most recent version LEED scorecard and a summary of how and/or why each LEED credit can or cannot be achieved.~~

~~———— (iv) A building permit for a building using the sustainable design bonus will not be issued until an independent, LEED certified inspector, architect or engineer under the supervision of the city and paid for by the applicant verifies that the construction plans include the elements necessary to receive LEED certification at the level for which the bonus was granted. In the event that the LEED certification level for which the bonus~~

~~was granted cannot be verified during the building permit plan review process, the applicant must either modify the construction plans to achieve the verification or forfeit the bonus by amending the final development plans to remove the bonus floor area.~~

~~—— (v) A final certificate of occupancy for a building using the sustainable design bonus will not be issued until the city receives verification from the United States Green Building Council that the building has been granted LEED certification at the award level for which the bonus was granted.~~

~~—— (vi) The site development agreement must acknowledge that building permits and final certificates of occupancy will not be issued unless LEED certification at the level for which the bonus was granted can be verified.~~

~~—— (h) *Dimensional requirements.*~~

~~—— (1) *Building placement.* HX-R Zoning District building placement requirements are intended to promote intensity, to maximize design flexibility, to facilitate pedestrian movement and to create an active pedestrian environment.~~

~~—— (A) There is no minimum building setback required from property lines fronting public streets.~~

~~—— (B) The minimum building setback along a lot line not adjacent to a public street is ten feet, unless the lot line separates two portions of the same site, in which case no minimum building setback from the internal lot line is required.~~

~~—— (C) Buildings must not encroach into public easements.~~

~~—— (D) To create an active pedestrian level environment, at least one public entrance to buildings with ground level retail and service uses must be located within 20 feet of a public street, internal private street or major pedestrian way. The City Council may approve an alternative location for buildings with ground level retail and service uses provided the alternative location better serves the goal of creating an active pedestrian level environment.~~

~~—— (E) Skyways, tunnels and similar pedestrian connection structures have no setback requirements from property lines for a width of 120 feet.~~

~~—— (2) *Minimum site area.* The minimum site area within the HX-R Zoning District is 120,000 square feet. Parcels with areas below 120,000 square feet may be created as part of a planned development, provided the area of the overall planned development is at least 120,000 square feet.~~

~~—— (3) *Maximum structure height.* Maximum structure height is set forth in § 21.301.10 of this code.~~

~~—— (i) *Parking.*~~

~~—(1) *Number of parking spaces.* The number of motor vehicle parking spaces provided within a development must not exceed 130% of the citywide requirements set forth in § 21.301.06 of this code, unless the City Council determines that additional motor vehicle parking levels are warranted based on the results of a motor vehicle parking study, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant.~~

~~—(2) *Location of motor vehicle parking.* In order to more efficiently use available land, improve aesthetics and create a pedestrian-oriented environment that promotes walking, biking and transit use, the location of motor vehicle parking is restricted within the HX-R Zoning District.~~

~~—(A) Motor vehicle parking must be located below grade, within structured ramps, or in individual on-street spaces parallel with and adjacent to low volume streets. At-grade motor vehicle parking areas are prohibited with the exception of small, short-term visitor parking areas near structures. At-grade visitor parking areas, if provided, may include no more than one motor vehicle parking space per 20,000 square feet of floor area in the associated building.~~

~~—(B) For phased developments where at-grade motor vehicle parking already exists, the overall number of at-grade motor vehicle parking spaces on-site must be proportionally reduced with each phase of development so that compliance with limitations on at-grade parking is achieved prior to or in conjunction with the final phase of construction.~~

~~—(3) *Bicycle parking.* Bicycle parking facilities commensurate with anticipated demand must be provided near building entrances.~~

~~—(j) *Building design.*~~

~~—(1) *Entrances.* Buildings adjacent to and within 100 feet of public streets must include at least one public entrance clearly visible and directly accessible from an adjacent public street. The public entrance may include security controls.~~

~~—(2) *Windows.* First floor building facades facing and within 100 feet of public or private streets or major pedestrian corridors must meet the following window standards on those facades in order to promote a pedestrian-oriented environment and add visual interest.~~

~~—(A) For residential uses, a minimum of 25% of the area of the first floor building facade must be composed of windows or entrances.~~

~~—(B) For nonresidential uses, a minimum of 50% of the area of the first floor building facade must be composed of windows or entrances. No more than 25% of the total window area and eye level window area may be obscured by signs, film coverings, product displays or similar covering. Blinds, curtains and similar temporary coverings for privacy or sunlight control are permitted.~~



~~—— (C) To count toward window area requirements, windows must be transparent.~~

~~—— (3) *Blank facades.* Blank building facades or walls must not exceed 20 feet in length. A building facade or wall is considered to be blank if it is uninterrupted by windows, doors, ornamentation, decoration, articulation or other architectural detailing.~~

~~—— (4) *Exterior materials.* The exterior materials and finish of all buildings and structures erected within the HX-R Zoning District must conform with the applicable requirements of § 19.63.08 of this code.~~

~~—— (5) *Canopies and awnings.* First floor canopies and awnings are encouraged on buildings in order to promote a pedestrian-oriented environment and add visual interest. Canopies and awnings must not extend above the first floor of a building or more than 15 feet above the finished grade.~~

~~—— (6) *Parking structures.* Given the anticipated intensity of development within the HX-R Zoning District, above grade parking structures are likely to be common features within the district. The following standards are intended to ensure that parking structures complement the visual character, pedestrian orientation and overall attractiveness of the area.~~

~~—— (A) *Placement.*~~

~~—— (i) Above grade parking structures must not front on either American Boulevard or 34th Avenue within 200 feet of the point at which the applicable site's property lines that front on both streets would intersect if extended.~~

~~—— (ii) To the extent feasible, parking structures should be placed in locations where their visibility from active areas is reduced.~~

~~—— (iii) Establishing retail and service uses on the ground floor of parking structures and partially wrapping the parking structure with active building space is encouraged.~~

~~—— (B) *Architecture and materials.* Parking structure facades visible from public streets, private streets or transit corridors must architecturally complement the building or buildings the parking structure serves through the use of exterior materials, architectural elements and color.~~

~~—— (i) Parking structure exterior materials must meet the requirements of § 19.63.08.~~

~~—— (ii) Parking structure exterior material color must complement the color of the building or buildings the parking structure serves.~~

~~—— (iii) Parking structures must include architectural elements that enhance the structure, break up its mass and complement the building or buildings the parking structure serves. Examples of specific architectural elements that may assist in meeting this requirement include decorative piers and pilasters, banding, reveals, architectural~~



~~accents, wall plane articulation, decorative artwork, ornamental grillwork, recessed window openings, facade treatment variations and locating tenant signs on the side of parking ramps.~~

~~———(iv) Parking structure access points must be architecturally articulated to add visual interest.~~

~~———(v) Parking structures must be designed to block the visibility of vehicle headlights from outside the parking structure.~~

~~———(k) *Pedestrians and bicycles.* Achieving the intent of the HX-R Zoning District will require high quality, linked sidewalks and bikeways.~~

~~———(1) Development must provide sidewalks and bikeways that support movement throughout the Airport South District and are consistent with the Airport South sidewalk and bikeway plan.~~

~~———(2) Site design for new development must promote pedestrian circulation and the principles of Crime Prevention Through Environmental Design (CPTED).~~

~~———(3) Development must provide sidewalks and, where appropriate, bikeways along all public and private streets unless the City Council determines that an alternative sidewalk or bikeway location better serves the development and surrounding area.~~

~~———(4) Development must provide sidewalks between building entrances and the streetside or areawide system.~~

~~———(5) Development must provide for direct and continuous pedestrian and bicycle connections to adjacent sites, where links to existing, proposed or potential development are appropriate.~~

~~———(6) Development sites that contain a transit station must provide direct and continuous sidewalk and bikeway connections between the transit station and buildings on site as well as to adjacent sites, where links to existing, proposed or potential development are appropriate.~~

~~———(7) To support street level retail uses, pedestrian movement between adjacent buildings and sites is encouraged to take place at grade rather than through skyways or tunnels. Grade separated pedestrian crossings over arterial and collector streets are encouraged.~~

~~———(8) Sidewalk width requirements.~~

~~———(A) Sidewalks adjacent to public streets, major sidewalks internal to sites and sidewalks adjacent to retail and service storefronts must have an unobstructed, walkable width of at least eight feet. Additional width is encouraged in appropriate areas to accommodate outdoor seating, benches, landscaping, light posts, trash receptacles, bicycle parking and similar pedestrian oriented infrastructure.~~

~~— (B) All other sidewalks must have an unobstructed, walkable width of at least six feet.~~

~~— (C) The City Council may require greater sidewalk widths through condition of approval when greater widths are deemed necessary to meet anticipated pedestrian needs or state aid standards.~~

~~— (I) *Open space and landscaping.*~~

~~— (1) Landscaping must conform with the requirements of § 21.301.15 and other applicable requirements of this code.~~

~~— (2) Development must conform with any applicable district streetscape or open space plan.~~

~~— (3) Each development site subject to park donation requirements as specified in § 22.10 must include at least one on-site plaza or park that meets the following requirements:~~

~~— (A) The plaza or park must include at least 5,000 square feet of contiguous area. The first 5,000 square feet of plaza or park area qualifies as a credit toward the park donation requirements of § 22.10. Additional plaza or park land area above 5,000 square feet may qualify as a credit toward the park donation requirements of § 22.10 if the city determines that additional land is needed on the site to meet the park and recreation needs of area workers and residents.~~

~~— (B) To avoid long and narrow spaces, the length of the plaza or park must not exceed three times the width of the plaza or park.~~

~~— (C) The plaza or park must be reserved for public use through a permanent easement and must be open to the public every day between 7:00 a.m. and 9:00 p.m.~~

~~— (D) At least 30% of the plaza or park must consist of landscaping or water features.~~

~~— (E) The plaza or park must include pedestrian lighting at an illumination level of at least 2.0 foot-candles.~~

~~— (F) At least 25% of the perimeter of the plaza or park must abut a public or private street.~~

~~— (G) The plaza or park must be easily accessible via sidewalk.~~

~~— (H) The plaza or park must be designed to encourage public use through the provision of seating, tables, trash receptacles, water features and areas for public entertainment or public display of art or cultural exhibits. Seating must be provided at a rate of not less than one seat per 200 square feet of plaza or park area for the first 10,000 square feet.~~

~~—(I) The plaza or park must be maintained in good order.~~

~~—(J) The site development agreement must include provisions ensuring public access as well as the installation, preservation, maintenance and replacement, if necessary, of plaza or park features.~~

~~—(m) Reserved.~~

~~—(n) Reserved.~~

~~—(o) Public art. The provision and exterior display of public art creates visual interest within the HX-R Zoning District and helps to facilitate a pedestrian oriented environment.~~

~~—(1) Preliminary and final development plans for new development in the HX-R Zoning District must designate potential future locations for public art near high volume pedestrian corridors. At least one potential future public art location must be designated per two and one-half acres of site area. The HX-R Zoning District does not require the provision of public art but does offer floor area ratio bonuses for public art subject to the provisions of subsection (g)(4)(D) above.~~

~~—(p) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.~~

~~—(q) Construction or expansion not in compliance with HX-R District standards. Where construction or expansion not in compliance with HX-R District residential use and minimum floor area ratio requirements is allowed to occur through issuance of a conditional use permit or interim use permit, such construction or expansion is subject to the following provisions:~~

~~—(1) The new or expanded use is not required to comply with HX-R District residential use and minimum floor area ratio requirements. The new or expanded use must meet all other applicable requirements of the district and city code, including parking requirements.~~

~~—(2) Expansion of an existing use not in compliance with HX-R District residential use and minimum floor area ratio requirements must be contained within the parcel currently occupied by the existing use.~~

~~—(3) Additional requirements for nonconformities are set forth in § 21.504 of this code.~~

### ~~§ 19.30 RESERVED.~~

### ~~§ 19.31 RESERVED.~~

#### ~~§ 19.31.01 REGIONAL COMMERCIAL (CR-1) DISTRICTS.~~

~~—(a) Intent. This district is intended to provide for the development of regional and community scale integrated retail, office, business services, personal services and~~

~~services to the traveling public near freeway interchanges. The provisions of this district are intended to:~~

- ~~—(1) Promote and properly manage high-intensity development;~~
- ~~—(2) Allow for the provision of other services related to principal uses;~~
- ~~—(3) Promote an integrated site and building design framework;~~
- ~~—(4) To avoid traffic hazard and congestion by careful location of accesses to public streets;~~
- ~~—(5) Protect future roadway improvements; and~~
- ~~—(6) Create a visual identity for the district while allowing reasonable identity for individual uses in scale with the size of use.~~
- ~~—(b) Permitted principal uses:~~
  - ~~—(1) Retail shopping uses;~~
  - ~~—(2) Office buildings;~~
  - ~~—(3) Banks and financial institutions;~~
  - ~~—(4) Medical and dental offices;~~
  - ~~—(5) Theaters and cinemas, except drive-in theaters;~~
  - ~~—(6) Hotels and motels;~~
  - ~~—(7) Public uses;~~
  - ~~—(8) Automobile rental agencies with an on-site inventory of ten or fewer rental vehicles, subject to performance standards set forth in § 19.63.07 of this code;~~
  - ~~—(9) Transient merchant sales as an accessory use in hotel interiors only;~~
  - ~~—(10) Entertainment and recreation special events;~~
  - ~~—(11) Firearm sales, incidental, subject to standards set forth in § 21.302.11;~~
  - ~~—(12) Farmers market subject to standards set forth in Chapter 14, Article IX;~~
  - ~~—(13) Arts and crafts festival subject to standards set forth in Chapter 14, Article X;~~
  - ~~—(14) Restaurant without drive through and rooftop seating;~~
  - ~~—(15) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18;~~
  - ~~—(16) Public utility facility, general;~~



~~—(17) Brewpub;~~

~~—(18) Taproom/cocktail room; and~~

~~—(19) Craft and micro-brewery/distillery/winery~~

~~—(c) Provisional uses. The uses described below are permitted uses, provided that:~~

~~—(1) The following uses are located in a structure containing a permitted principle use, or are located in a structure meeting the minimum floor area requirement of the CR-1 District:~~

~~—(A) Catering businesses, major and minor;~~

~~—(B) Personal service establishments, including licensed therapeutic massage enterprises, beauty and barber shops, exercise and health facilities, dry cleaning drop-off and pick-up stations, laundering, repair of household items and similar personal services;~~

~~—(C) Business services, including copying and printing businesses and similar services;~~

~~—(D) Commercial recreation facilities;~~

~~—(E) Licensed day care facilities;~~

~~—(F) Instructional center; and~~

~~—(G) Licensed body art establishments.~~

~~—(2) The following uses are adjacent to and integrated by means of orientation, parking, pedestrian and vehicular circulation, access and design with a permitted principal use:~~

~~—(A) Class I motor vehicle sales;~~

~~—(B) Convenience facility with fuel sales; and~~

~~—(C) Automobile repair businesses.~~

~~—(3) Accessory uses which are customarily incidental and are clearly subordinate to permitted principal uses;~~

~~—(4) Class II motor vehicle sales accessory to Class I motor vehicle sales;~~

~~—(5) Repair of motor vehicles accessory to Class I motor vehicle sales;~~

~~—(6) Vehicle rental accessory to Class I motor vehicle sales subject to the regulations set forth in § 19.63.07(e);~~

~~—(7) Beekeeping; and~~

~~—(8) Hotel manager dwelling unit which is customarily incidental and clearly subordinate to the permitted principal use of a hotel.~~

~~—(d) Conditional uses:~~

~~—(1) New motor vehicle sales;~~

~~—(2) Restaurants with drive through (including drive in) or rooftop seating;~~

~~—(3) Reserved;~~

~~—(4) Public utility facility, limited;~~

~~—(5) Hotel airport parking;~~

~~—(6) Towers. For related provisions see §§ 15.14, 19.63.05 and 21.301.10 of this code;~~

~~—(7) Automobile rental agencies with an on-site inventory more than ten but no more than 35 rental vehicles, subject to performance standards set forth in § 19.63.07 of this code;~~

~~—(8) Vehicle rental accessory to Class I motor vehicle sales subject to the regulations set forth in § 19.63.07(e);~~

~~—(9) Reserved; and~~

~~—(10) Major commercial golf facility.~~

~~—(e) Interim uses:~~

~~—(1) Temporary Pandemic, Epidemic, or Emergency Service Facility.~~

~~—(f) Minimum floor area requirements. The minimum floor area of any building within the CR-1 District must be 6,000 square feet for restaurants and 20,000 square feet for all other uses, except that there shall be no minimum floor area where the proposed use is listed as a provisional use in subsection (c)(2) above.~~

~~—(g) Maximum floor area ratio. The maximum floor area ratio within the CR-1 District shall be one square foot of gross floor area for each one square foot of net lot area.~~

~~—(h) Dimensional requirements:~~

<del>Minimum district area</del>	<del>10 acres</del>
<del>Minimum lot size</del>	<del>2 acres</del>
<del>Minimum lot width</del>	<del>120 feet</del>
<del>Setback requirements</del>	
<del>—Front yard</del>	<del>65 feet</del>

<del>—Side yard</del>	25 feet
<del>—Rear yard</del>	25 feet
<del>—Side or rear adjacent to a public street</del>	65 feet
<del>Maximum structure lot coverage</del>	30%

~~—(i) Special provisions.~~

~~—(1) Reserved.~~

~~—(2) The City Council may waive the minimum lot size required for any use, provided that the use and building is integrated, or, where adjacent property is undeveloped may be shown to be reasonably integrated, by means of orientation, parking, access, circulation and design with other adjacent conforming development in the CR-1 District.~~

~~—(3) Reserved.~~

~~—(4) A parking structure or the portion of any structure used for parking shall not be counted as building floor area or structure coverage for the purpose of calculating building floor area and percentage of site coverage by structures.~~

~~—(5) No loading docks may be on any street frontage or facing a residential district, unless completely screened by a wall constructed of materials equivalent to that of the structure.~~

~~—(6) Exterior materials. The exterior materials and finish of all buildings erected on lands within Regional Commercial CR-1 Zoning Districts shall be in conformance with the applicable requirements of § 19.63.08 of this code.~~

~~—(7) All refuse storage must comply with the requirements of § 21.301.17 of this code.~~

~~—(8) In instances where second-level pedestrian connections are made across public streets or to adjacent properties, setbacks may be reduced to 20 feet for a width not to exceed 100 feet.~~

~~—(9) Reserved.~~

~~—(10) Structure height shall be regulated pursuant to § 21.301.10 of this code.~~

~~—(11) Reserved.~~

~~—(j) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.~~

**§ 19.32 RESERVED.**

~~§ 19.33 RESERVED.~~

~~§ 19.33.01 RESERVED.~~

~~§ 19.34 RESERVED.~~

~~§ 19.35 RESERVED.~~

~~§ 19.36 RESERVED.~~

~~§ 19.37 RESERVED.~~

~~§ 19.37.05 RAILROAD LINES.~~

~~—Any preliminary or final plat which has been approved as of January 22, 1979 with conditions specifically relating to railroad lines shall not be affected by Ordinance 79-1.~~

~~§ 19.38 OVERLAY ZONING DISTRICTS.~~

~~—(a) Purpose. To provide overlay zoning districts which additionally regulate uses and characteristics of uses permitted in primary zoning districts as deemed in the public interest.~~

~~—(b) Establishment of districts. The following overlay districts are hereby established:~~

~~—(1) Planned Development PD;~~

~~—(2) Flood Hazard FH (section moved to § 21.208.01);~~

~~—(3) Bluff Protection BP (section moved to § 21.208.02);~~

~~—(4) Reserved;~~

~~—(5) Airport Runway (AR-17) Overlay District; and~~

~~—(6) Airport Runway (AR-22) Overlay District.~~

~~—(c) Applicability and interpretation. All provisions of the Zoning Code shall apply to the overlay zoning districts; however, in any instance where the provisions of an overlay zoning district shall conflict with the provisions of a primary zoning district, the provisions of the overlay zoning district shall take precedence and govern.~~

~~—(d) Supplemental definitions. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.~~

~~—**2004 MSP ZONING ORDINANCE.** The restated and amended Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) zoning ordinance adopted by the Wold-Chamberlain Field Joint Airport Zoning Board on April 29, 2004 which became effective on the effective date.~~



—~~**ABOVE-GROUND FUEL TANK.** A container, vessel or other enclosure designed to contain or dispense fuel that is located above the ground surface, that is not contained within a building or structure, and that is not part of or connected to a boat, motor vehicle or rail car.~~

—~~**AIRPORT HAZARD.** Any structure, tree or use of land that obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the Airport; and any use of land that is hazardous to persons or property because of its proximity to the Airport.~~

—~~**AIRSPACE SURFACES.** The surfaces established in § IV.A of the 2004 MSP zoning ordinance.~~

—~~**AIRSPACE ZONES.** The land use zones established in § IV.A of the 2004 MSP zoning ordinance.~~

—~~**BLUFF FACE.** The finished grade surface of the Minnesota River Bluff.~~

—~~**BOARD OF ADJUSTMENT.** The body established in § XII.A of the 2004 MSP zoning ordinance.~~

—~~**CALIPER MEASURE.** Tree diameter measure made one inch above the root flare.~~

—~~**CONTOUR.** Synonymous with elevation and does not imply either existing or proposed circumstances unless specified.~~

—~~**DEVELOPMENT POTENTIAL.** The theoretical maximum dwelling unit density or maximum floor area which would be permitted in a zoning district without bonus provisions or planned development incentives.~~

—~~**DISTRICT.** Includes both primary and overlay zoning districts.~~

—~~**ELEVATION.** Has the meaning of height above mean sea level.~~

—~~**ESTABLISHED RESIDENTIAL NEIGHBORHOOD.** The areas identified in the 2004 MSP zoning ordinance as **ESTABLISHED RESIDENTIAL NEIGHBORHOODS** in built-up urban areas and listed in Exhibit B-Legal Description of Established Residential Neighborhoods and shown on Exhibit C-Map of Established Residential Neighborhoods in Built-up Urban Areas and pursuant to the criteria noted in the 2004 MSP zoning ordinance.~~

—~~**OVERLAY ZONING DISTRICT.** Established to additionally regulate uses and characteristics of uses permitted in primary zoning districts in order to protect the public health, safety and welfare from the improper use of land subject to flooding and other natural hazards or to provide for the most appropriate use of land by providing design flexibility to allow for the preservation of natural features, the efficient provision of streets and utilities and the sensitive blending of new development with existing uses.~~

— ~~**OVER-THE-BLUFF STORM WATER DISCHARGE.** Sheet surface drainage which flows on the surface of the Minnesota River Bluff, or Nine Mile Creek Bluff, but does not include storm sewers which do not discharge within the Bluff Protection Overlay District.~~

— ~~**PRIMARY ZONING DISTRICT.** Established to protect the public health, safety and welfare by designating specific areas for uses of similar characteristics and requirements. In these districts, further regulations are established which are designed to protect the public well-being by regulating the location and extent of land utilization.~~

— ~~**RUNWAY 4-22.** The 11,006-foot precision instrument runway at the Airport, with a planned extension to 12,006 feet, whose 4-End is the end closest to the Cities of Bloomington and Richfield and who 22-End is the end closest to the Cities of Minneapolis and St. Paul.~~

— ~~**RUNWAY 17-35.** The 8,000-foot precision instrument runway at the Minneapolis-St. Paul International Airport (Wold Chamberlain Field) whose 17-End is the end closest to the City of Minneapolis and whose 35-End is the end closest to the City of Bloomington.~~

— ~~**RUNWAY PROTECTION ZONE.** A zone mandated by FAA regulations that is longitudinally centered on the extended centerline of each end of Runways 4-22 and 17-35, whose in edge is at the same width and elevation as, and coincides with, the end of the primary surface, and that extends outward a horizontal distance of 2,500 feet expanding uniformly to a width of 1,750 feet.~~

— ~~**SAFETY ZONES.** The land use zones established in § V.A of the 2004 MSP zoning ordinance.~~

— ~~(e) *Designation.* All overlay districts shall be designated on the zoning district map of the city.~~

#### ~~**§ 19.38.01 PLANNED DEVELOPMENT (PD) OVERLAY DISTRICTS.**~~

— ~~(a) *Intent.* The purpose of the Planned Development Overlay District is to promote creative and efficient use of land by providing design flexibility in the application of development standards. The planned development provisions are also intended to create both private and public benefit by:~~

— ~~(1) Allowing improved site and structure design;~~

— ~~(2) Allowing development on multiple lots to function as one coordinated site;~~

— ~~(3) Ensuring coordination of phased development;~~

— ~~(4) Allowing the location of structures, facilities and lot lines on a site to be adjusted to protect natural features; and~~

— ~~(5) Allowing the shared use of facilities, including, but not limited to, parking, access and storm water management infrastructure.~~

~~—(b) *Uses.* All uses allowed in the underlying zoning district are also allowed in the Planned Development Overlay District subject to any necessary approvals including, but not limited to, conditional uses and interim uses. Uses not allowed in the underlying zoning district are also not allowed in the Planned Development Overlay District.~~

~~—(c) *Flexibility in standards.* Within the Planned Development Overlay District, the City Council may grant flexibility on development standards through the approval of preliminary and final development plans, subject to the following limitations and when such flexibility provides public benefit and meets the intent of the overlay district. Flexibility may not be granted that:~~

~~—(1) Exceeds maximum structure coverage of a site by more than 50% of the applicable district provision;~~

~~—(2) Exceeds maximum density or floor area ratio by more than 20% of the applicable district provision;~~

~~—(3) Reduces minimum lot area and lot width by more than 25% of the applicable district provision;~~

~~—(4) Reduces minimum setback in an industrial zoning district from a property line adjoining a residential zoning district;~~

~~—(5) Does not conform to the requirements of the shore area regulations of the city code (§§ 19.87.01 through 19.87.08);~~

~~—(6) Deviates from any of the requirements of Chapter 21, Article III, Division D, the sign code, except:~~

~~—(A) The location of freestanding signs on the site;~~

~~—(B) In Class II, III, and V sign districts, not more than 20% of the sign area allowed on any wall may be applied to increase the allowed sign area on any other wall, provided that the increased signage on any wall does not exceed the permitted area of signage by more than 40% of the area allowed on that wall by the regulations for the sign district; and~~

~~—(C) In Class II, III, IV, and V sign districts, the number of freestanding signs may be increased so long as the total area of the proposed signs does not exceed the total area of the freestanding signs of the same type permitted in the sign district.~~

~~—(7) Reduces minimum floor area ratio requirements by more than 20% of the applicable zoning district provision. This subsection does not apply to minimum non-residential floor area ratio requirements of § 21.302.02(b); and~~

~~—(8) Reduces minimum residential density requirements by more than 20% of the applicable zoning district provision.~~

~~—(d) *Procedures.* The zoning district map must not be amended to establish a new Planned Development Overlay District unless the City Council has also concurrently reviewed and approved an associated preliminary development plan for the site (see city code §§ 21.501.02 and 21.501.03). No permit for development within a Planned Development Overlay District may be granted unless the City Council or Planning Commission has approved a final development plan for the site (see city code § 21.501.03).~~

~~**§ 19.38.02 RESERVED.**~~

~~**§ 19.38.03 AIRPORT RUNWAY OVERLAY DISTRICTS.**~~

~~—(a) *Purpose and intent.* The Airport Runway Overlay Districts are established to implement the 2004 Minneapolis-St. Paul International Airport (Wold Chamberlain Field) zoning ordinance (hereinafter 2004 MSP zoning ordinance). The 2004 MSP zoning ordinance, pursuant to the provisions and authority of M.S. § 360.063, as it may be amended from time to time, takes precedent within areas of the city regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Minneapolis-St. Paul International Airport. The 2004 MSP zoning ordinance creates zones and establishes boundaries that extend into the city.~~

~~—It is the purpose of the Airport Runway Overlay Districts to protect the public health, safety, order, convenience, prosperity and general welfare and to promote the most appropriate use of land by preventing the creation or establishment of Airport Hazards subject to the 2004 MSP zoning ordinance and Minnesota Statutes.~~

~~—(b) *Creation of districts and applicability.* The Airport Runway Overlay Districts shall apply to all land within the city designated as Safety Zone A and Safety Zone B in the 2004 MSP zoning ordinance. The following overlay districts are hereby established as follows:~~

~~—Airport Runway (AR-17) Overlay District. Includes all land in the city within Safety Zone A and Safety Zone B to the south of MSP Runway 17-35 as described in the 2004 MSP zoning ordinance and shown on MSP Zoning Map Safety Zones Plate SZ-21 and Plate SZ-27 and shown on the zoning district map of the city; and~~

~~—Airport Runway (AR-22) Overlay District. Includes all land in the city within Safety Zone B to the southwest of MSP Runway 4-22 as described in the 2004 MSP zoning ordinance and shown on MSP Zoning Map Safety Zones Plate SZ-20 and Plate SZ-21 and shown on the zoning district map of the city.~~

~~—(c) *Uses.* All permitted principal, provisional, conditional, interim and accessory uses allowed in the primary zoning district are allowed in the Airport Runway Overlay Districts with the exception of the following prohibited uses.~~

~~—(1) *Airport Runway (AR-17) Overlay District.*~~



~~—— (A) Within the portion of the Airport Runway (AR-17) Overlay District designated as Safety Zone A in the 2004 MSP zoning ordinance and shown on MSP Zoning Map Safety Zones Plate SZ-21 there shall be no structures or trees, except structures related to airport operations or air navigation as allowed in a runway protection zone by federal laws and regulations or by FAA advisory circulars.~~

~~—— (B) Within the portion of the Airport Runway (AR-17) Overlay District designated as Safety Zone B as contained in § V Land Use Safety Zoning of the 2004 MSP zoning ordinance and shown on MSP Zoning Map Safety Zones Plate SZ-21 and Plate SZ-27, the following uses are prohibited unless a variance permitting the use is granted by the Board of Adjustment established by the 2004 MSP zoning ordinance:~~

~~—— (I) Amphitheaters;~~

~~—— (II) Campgrounds;~~

~~—— (III) Places of assembly;~~

~~—— (IV) Fuel storage tank farms;~~

~~—— (V) Above-ground fuel tanks;~~

~~—— (VI) Gasoline station;~~

~~—— (VII) Hospital;~~

~~—— (VIII) Nursing homes;~~

~~—— (IX) Residential uses (including low, medium and high density residential uses);~~

~~—— (X) Schools;~~

~~—— (XI) Stadiums;~~

~~—— (XII) Theaters;~~

~~—— (XIII) Trailer courts; and~~

~~—— (XIV) Ponds or other uses that might attract waterfowl or other birds such as putrescible waste disposal operations, wastewater treatment facilities and associated settling ponds, and dredge spoil containment areas; provided, however, the prohibition on ponds or other uses that might attract waterfowl or other birds shall not apply to acres below an elevation of 800 feet above mean sea level along the bluff of the Minnesota River.~~

~~—— (2) Airport Runway (AR-22) Overlay District.~~

~~—— (A) Within the portion of the Airport Runway (AR-22) Overlay District designated as Safety Zone B as contained in § V Land Use Safety Zoning of the 2004 MSP zoning ordinance and shown on MSP Zoning Map Safety Zones Plate SZ-20, the following~~

~~uses are prohibited unless a variance permitting the use is granted by the Board of Adjustment established by the 2004 MSP zoning ordinance:~~

- ~~—— (I) Amphitheaters;~~
- ~~—— (II) Campgrounds;~~
- ~~—— (III) Churches;~~
- ~~—— (IV) Fuel storage tank farms;~~
- ~~—— (V) Above-ground fuel tanks;~~
- ~~—— (VI) Gasoline station;~~
- ~~—— (VII) Hospital;~~
- ~~—— (VIII) Nursing homes;~~
- ~~—— (IX) Residential uses (including low, medium and high density residential uses) except in an established residential neighborhood in a built-up urban area;~~
- ~~—— (X) Schools;~~
- ~~—— (XI) Stadiums;~~
- ~~—— (XII) Theaters;~~
- ~~—— (XIII) Trailer courts; and~~
- ~~—— (XIV) Ponds or other uses that might attract waterfowl or other birds such as putrescible waste disposal operations, wastewater treatment facilities and associated settling ponds, and dredge spoil containment areas.~~

~~— (d) Height. In addition to the restrictions of § 21.301.10 of this code, all structures in the Airport Runway (AR-17) Overlay District and Airport Runway (AR-22) Overlay District shall be subject to the height restrictions imposed by the 2004 MSP zoning ordinance.~~

~~—— (1) Airport Runway (AR-17) Overlay District. Within the Safety Zone B of Airport Runway (AR-17) Overlay District, except as necessary and incidental to airport operations, no new structure shall be constructed or established; no existing structure shall be altered, changed, rebuilt, repaired or replaced; and no tree shall be allowed to grow or be altered, repaired or replaced, or replanted in any way so as to project above any airspace surface as shown on MSP Zoning Map Airspace Zones Plate A-21 and Plate A-27.~~

~~—— (2) Airport Runway (AR-22) Overlay District. Within the Safety Zone B of the Airport Runway (AR-22) Overlay District, except as necessary and incidental to airport operations, no new structure shall be constructed or established; no existing structure~~

~~shall be altered, changed, rebuilt, repaired or replaced; and no tree shall be allowed to grow or be altered, repaired or replaced or replanted in anyway so as to project above any airspace surface as shown on MSP Zoning Map Airspace Zones Plate A-20 and Plate A-21.~~

~~—(e) 2004 MSP zoning ordinance use variances. Within the Airport Runway Overlay Districts, variances to allow uses listed as prohibited in the Airport Runway Overlay Districts that are granted by the Board of Adjustment as contained in the 2004 MSP zoning ordinance may only be established in the city to the extent that they comply with all other provisions of this code. A use not allowed in the primary zoning district shall not be established under any circumstances.~~

~~§§ 19.38.04—19.38.10 RESERVED.~~

~~§ 19.38.11 RESERVED.~~

~~§ 19.38.12 RESERVED.~~

~~§ 19.38.13 RESERVED.~~

**ARTICLE IIIA: ADDITIONAL ZONING DISTRICTS**

~~§ 19.40.01 PURPOSE.~~

~~—This Article IIIA is established to provide additional zoning districts to supplement the previously adopted zoning districts. Regulations which pertain specifically to the zoning districts in this Article IIIA are contained within this Article IIIA.~~

~~§ 19.40.02 ESTABLISHMENT OF DISTRICTS.~~

~~—The following zoning districts are hereby established:~~

- ~~—(1) Reserved;~~
- ~~—(2) Commercial Service CS-0.5 and CS-1;~~
- ~~—(3) Reserved;~~
- ~~—(4) Commercial Office CO-1;~~
- ~~—(5) Reserved;~~
- ~~—(6) Residential Office RO-24; and~~
- ~~—(7) Conservation SC.~~

~~§ 19.40.03 APPLICABILITY AND INTERPRETATION.~~

~~—All provisions of the Zoning Code shall apply to the districts established in this Article IIIA; however, in any instance where the provisions of this Article IIIA are in conflict with~~

~~any other provision of the Zoning Code, the provisions of this Article IIIA shall take precedence and govern.~~

~~§ 19.40.04 RESERVED.~~

~~§ 19.40.05 RESERVED.~~

~~§ 19.40.06 RESERVED.~~

~~§ 19.40.07 COMMERCIAL SERVICE DISTRICTS CS-0.5 AND CS-1.~~

~~—(a) *Intent.* These districts are intended to provide for the development of service use near freeway interchanges or in proximity to intense land uses where the development of support services is appropriate. Provision of food, lodging, automotive service, motor vehicle fuel and other goods and services is the principal use within this district; however, other uses which are interrelated to these uses are appropriate in these districts. The provisions of these districts are intended to allow for the convenient provision of services without creating unreasonable traffic congestion and hazards in areas of high volume traffic movement.~~

~~—(b) *Permitted principal uses.*~~

~~—(1) Hotels;~~

~~—(2) Offices;~~

~~—(3) Cinema and theaters;~~

~~—(4) Transit stations;~~

~~—(5) Public uses;~~

~~—(6) The following accessory uses :~~

~~—(i) Uses customarily incidental and clearly subordinate to permitted principal uses.~~

~~—(ii) Beekeeping.~~

~~—(iii) Retail sales of computers when accessory to a computer training facility in the CS-0.5 District.~~

~~—(7) Transient merchant sales as an accessory use in hotel interiors only;~~

~~—(8) Entertainment and recreation special events;~~

~~—(9) Farmers market subject to standards set forth in Chapter 14, Article IX;~~

~~—(10) Arts and crafts festival subject to standards set forth Chapter 14, Article X;~~

~~—(11) Restaurants without drive through and rooftop seating;~~