

Section 505 - Zoning: general provisions

505.01. Title. Sections 505 through 535 are the zoning code of the City. In sections 505 through 535 the zoning code is referred to as "this code". The city code of ordinances is known as the "city code".

505.03. Purpose and intent. This code shall establish minimum requirements, adopted to protect the public health, safety, and general welfare of the people. This code shall divide the city into use districts and establish regulations in regard to the location, erection, construction, reconstruction, alteration, and use of structures and land. These regulations are established to protect the various use areas; to promote the orderly development and redevelopment of the use areas; to provide adequate light, air, convenience of access to property; to provide stability in residential neighborhoods; to limit congestion in the public right-of-ways; to prevent overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land surrounding them; to provide for compatibility of different land uses; to conserve the value of land and buildings; to provide for the administration of this code; to provide for amendments to this code; to prescribe penalties for the violation of this code and to define the powers and duties of the board of zoning appeals and the planning commission in relation to this code.

505.05. Application and interpretation. Subdivision 1. In their interpretation and application, the provisions of this code shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

Subd. 2. Where the conditions imposed by any provision of this code are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

Subd. 3. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this code.

505.07. Uses. Subdivision 1. Except as provided herein, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this code.

Subd. 2. Any building, structure or use lawfully existing at the time of adoption of this code may be continued. Should the building, structure or use become non-conforming due to the adoption of this code, it may be continued in compliance with subsection 510.07.

505.09. Definitions. Subdivision 1. For purposes of this code, the terms defined in this subsection have the meanings given them.

Subd. 2. "Accessory building, structure or use" means a subordinate building, structure or use which is located on the same lot as the principal building or use and is necessary or incidental to the conduct of the principal building or use. Other subordinate buildings include, but are not limited to, dog house, kennel, gazebo, playhouse, etc. (Amended, Ord. No. 99-05)

Subd. 3. "Alley" means a public or private way less than 24 but not less than 14 feet in width affording secondary means of access to abutting property.

Subd. 4. "Automobile wrecking or junk yard" means any place where two or more motor vehicles not in running condition or not licensed, or both, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, including any commercial salvaging and scavenging of any other goods, articles or merchandise.

Subd. 5. "Automobile repair - major" or "major automobile repair" means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, over-all painting or paint job, vehicle steam cleaning.

Subd. 6. "Automobile repair - minor" or "minor automobile repair" means minor repairs, incidental body and fender work, painting and upholstering replacement of parts and motor services to passenger automobiles and trucks not exceeding 3/4 ton capacity, but not including any operation specified under "automobile repair - major."

Subd. 7. "Balcony" means a horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

Subd. 8. "Basement" means that level of a building where the vertical distance from average grade to the floor below is more than the vertical distance from average grade to the floor next above.

Subd. 9. "Boarding house" means a building other than a hotel where, for compensation and by arrangement for definite periods, meals or lodging, or both, are provided for persons, not members of the family, as defined herein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than 10 persons.

Subd. 10. "Boarding house or boarding home - foster children" means a family dwelling where children out of their parents' homes, age 16 or under or in the case of mental retardation age 21 or under, or both, are cared for 24 hours a day, for a period of 30 days or more. The number to be cared for in one foster child boardinghouse shall not exceed five including the foster family's own children.

Subd. 10.5. "Bufferyard" means an area of land, identified on a site plan or by a zoning ordinance, established to protect and screen one type of land use from another land use that is dissimilar. (Added, Ord. No. 93-01)

Subd. 11. "Buildable area" means the portion of a lot remaining after required yards have been provided.

Subd. 12. "Building" means any structure which is built for the support, shelter, or enclosure of persons, animals, or personal property. (Amended, Ord. No. 99-05)

Subd. 13. "Building height" means the vertical distance measured from the average finished ground grade to the top of the cornice of a flat roof, to the deck line of a mansard roof and to the average elevation of the highest peak and its highest principal eave on a pitched or hipped or gambrel roof. See also Grade - Finished Ground.

Subd. 14. "Business" means 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.

Subd. 15. "Channel" means a natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

Subd. 16. "City staff" means city official authorized by the city manager to perform a specific function.

Subd. 17. "Clinic". See medical clinic.

Subd. 18. "Club or lodge" means a non-profit association of persons, who are bona fide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such is secondary and incidental to the operation of the dining room for the purpose of serving food and meals, and providing further than such servicing of alcoholic beverages is in compliance with the applicable federal, state, and municipal laws, ordinances, and regulations. Offices of such non-profit association or associations occupying such premises shall not exceed 20% of the total value of the building.

Subd. 19. "Community center" means a building or portion thereof which is used for public health facilities; governmental offices or meeting rooms; publicly owned social service facilities; meeting rooms and facilities for civic and cultural organizations and groups; publicly sponsored recreational activities; or any similar use intended for the use and benefit of residents of the city.

Subd. 20. "Conditional use" means those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning use district, which for their respective conduct, exercise or performance in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications, or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience, or safety therein and in the city and therefore may be permitted in such use district only by a conditional use permit as provided by this code.

Subd. 21. "Condominium" means a form of individual ownership within a multi-family building which entails joint responsibility for maintenance and repairs. In the condominium each apartment or townhouse is owned outright by its occupant.

Subd. 22. "Convenience food establishment" means an establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

Subd. 23. "Cooperative or cooperative housing" means a multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Subd. 24. "Counseling or training service" means a service operated by a non-profit organization which provides advice or assistance on matters including career guidance, chemical or alcohol abuse, and health concerns but not including in-patient, overnight, or custodial care facilities which provide living quarters for recipients of the service or staff. A counseling or training service shall not include medical examinations, dispensing of drugs or medication or other treatments normally conducted in a hospital or clinic. A counseling or training service shall not include employment agencies or offices for private attorneys, psychiatrists, psychologists and other private for-profit practitioners.

Subd. 25. "Covered Porch" means a horizontal, flat structure higher than the adjoining area having a roof which may be screened and may have an opaque area up to 18 inches from floor level. (Added, Ord 03-33)

Subd. 26. "Curb level" means the establishment elevation of the curb in front of the building measured at the center of such front. Where no curb level has been established, the city shall establish such curb level or its equivalent for the purpose of this code.

Subd. 27. "Day care" means a service provided to the public in which foster care, and supervision and training or combinations thereof, for children of school or preschool age is provided during part of a day (less than 24 hours) with no overnight accommodations or facilities and children are delivered and removed daily.

Subd. 28. "Deck or open porch" means a horizontal flat surface higher than the adjoining area not having any roof, walls or lattice but may have a railing no higher than 42 inches.

Subd. 29. "Department store" means a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods or services are furnished.

Subd. 30. "District" means a section or sections of the incorporated area of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

Subd. 31. "Dog or cat kennel" means any place where four or more dogs or cats over six months of age are boarded, or bred or offered for sale, or a combination thereof.

Subd. 32. "Double bungalow" means a two-family dwelling with two units side by side.

Subd. 33. "Drive-in establishment" means an establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

Subd. 34. "Duplex" means a two-family dwelling with one unit above the other.

Subd. 35. "Dwelling" means a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, motels and boarding houses.

Subd. 36. "Dwelling, single-family" or "single-family dwelling" means a detached dwelling designed exclusively for occupancy by one family.

Subd. 37. "Dwelling, two-family" or "two-family dwelling" means a dwelling designed exclusively for occupancy by two families living independently of each other.

Subd. 38. "Dwelling, multiple" or "multiple dwelling" means a dwelling designed exclusively for occupancy by three or more families living independently of each other.

Subd. 39. "Dwelling unit" means one room or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Subd. 40. "Dwelling, mobile home" or "mobile home dwelling" means a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Subd. 41. "Senior housing" means a multiple dwelling building with open occupancy limited to persons at least 55 years of age. No more than ten percent of the occupants may be persons under 55 years of age. Such occupants under 55 years of age must be a spouse, other blood relative, or caregiver of an occupant who is at least 55 years of age, or have some function related to the building itself, such as caretaker or superintendent. To continue to qualify for senior housing classification the owner or the agency shall annually file with the city a certified copy of a

monthly resume of occupants of such a multiple dwelling, listing the number of tenants by age and clearly identifying and setting forth the relationship of all occupants under 55 years of age or under to qualified tenants, or to the building. The succeeding certificates of occupancy shall be granted based upon the requirements of section 535.07 and the resumes of applicants selected to occupy the building. It shall be publicly displayed on the building premises and shall set forth the zoning requirements of age limitations and relationship, lot size, number of units, and parking requirements. A deed restriction, irrevocable during the life of the building unless additional property is acquired to make the building comply with the zoning requirements for ordinary multiple dwellings shall be recorded against the property on which the senior housing structure is to be located. A certified copy of said deed restriction showing the recorded stamp of the county recorder or the registrar of titles shall be filed with the application for conditional use permit. The city council may waive the deed restriction referred to herein, in the event the fee and equitable owners of the premises or structure executed an agreement appurtenant to the land and running with the land indicating that in the event more than 10% of the housing units are occupied by persons under 55 years of age, the building occupancy by persons under 55 years of age shall be reduced to such a level commensurate with the parking requirements for a senior housing structure or shall provide additional parking areas sufficient to meet the requirements of this code, this being 1/2 space for a senior unit and 1-1/2 spaces for a housing unit occupied by persons under 55 years of age. Said agreement also to provide a penalty payment of \$100 per day as to each parking space shortage or violation. (Amended, Ord 08-02)

Subd. 42. "Equal degree of encroachment" means a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Subd. 43. "Essential services" means the erection, construction, alteration or maintenance or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems by public utilities, municipal, or other governmental agencies, but not including buildings.

Subd. 44. "Family" means one or more person each related to the other by blood, marriage, or adoption, or a group of not more than four persons not all so related maintaining a common household and using common cooking and kitchen facilities.

Subd. 45. "Farmers Market" means a specified land area managed by a single operator who leases space/stalls for the outdoor sales of (1) fresh fruit and produce foods products, (2) meat and fish items, (3) plants and flowers, and (4) baker goods, dairy products, delicatessen and grocery items. (Amended, Ord No. 00-04)

Subd. 46. "Flood" means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Subd. 47. "Flood frequency" means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Subd. 48. "Flood fringe" means that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study for the city.

Subd. 49. "Flood plain" means the beds proper and areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Subd. 50. "Flood profile" means a graph or longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.

Subd. 51. "Flood proofing" means a combination of structural provisions changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Subd. 52. "Floodway" means the bed of a wetland or lake and the channel of the watercourse and those portions of adjoining flood plains which are reasonably required to carry or store the regional flood discharge.

Subd. 53. "Floor area - gross" or "gross floor area" means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the interior faces of the exterior walls. Basement areas devoted to storage, and space devoted to off-street parking shall be excluded.

Subd. 54. "Floor area - net" or "net floor area" means the sum of the total gross floor area less common, multi-use areas used solely for non-public purposes including but not limited to dead storage; mechanical rooms or closets, or both; window show cases; toilets or restrooms; atriums; elevators; elevator shafts and ducts.

Subd. 55. "Garage - private" or "private garage" means an accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on. Such garage shall not be used for the storage of more than one commercial vehicle owned by the resident upon the premises. The load capacity of such commercial vehicles shall not exceed nine thousand pounds gross weight. (Amended, Ord. No. 99-05)

Subd. 56. "Garage - public" or "public garage" means a building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Subd. 57. "Garage - repair" or "repair garage" means a building or space for the repair or maintenance of motor vehicles but not including factory assembly of such vehicles, automobile wrecking, or junk yards.

Subd. 58. "Grade - finished ground" means the finished average ground elevation along the perimeter of the building.

Subd. 59. "Guest room" means a room occupied by one or more guests for compensation and in which no provision is made for cooking but does not include rooms in a dormitory for sleeping purposes primarily.

Subd. 60. "Handicap housing" means a multiple dwelling which is entirely accessible to physically handicapped persons, with open occupancy limited to persons who have a physical, sensory, or mental impairment which substantially limits one or more major life activities. No more than 10 percent of the occupants may be persons without an impairment as defined above. Such non-impaired occupants must be a spouse, other blood relative, or caregiver of an impaired occupant, or have some function related to the building itself, such as caretaker or superintendent. To continue to qualify for handicap housing classification the owner or agency shall annually file with the city a certified copy of a monthly resume of occupants of such a multiple dwelling, listing the number of tenants by type of disability and clearly identifying and setting forth the relationship of all non-disabled occupants to qualified tenants, or to the building. The succeeding certificates of zoning compliance shall be granted based upon the requirements of subsection 535.07 (certificate of zoning compliance) and the resumes of applicants selected to occupy the building. It shall be publicly displayed on the building premises and shall set forth the zoning requirements of disability limitations and relationships, lot size, and number of units. A deed restriction irrevocable during the life of the building unless additional property is acquired to make the building comply with the zoning requirements for ordinary multiple dwellings, shall be recorded against the property on which the handicap housing structure is to be located. A certified copy of said deed restriction showing the recorded stamp of the registrar of deeds or the registrar of titles shall be filed with the application for conditional use permit. Nothing in this definition shall prevent a state-licensed residential facility serving 7 through 16 persons from being considered a multiple dwelling in any zoning district where handicap housing is not a permitted or conditional use.

Subd. 61. "Home occupation" means any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling when carried on within the dwelling unit and not in an accessory building or garage attached to principal structure. Permissible home occupations shall not include the conducting of retail business other than by mail, manufacturing business, or a repair shop of any kind on the premises, and no stock in trade shall be kept or sold. No other than persons residing on the premises shall be employed that is not customarily found in the home. Such home occupations shall not require internal or external alterations or involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior display, no exterior signs except as allowed in the sign regulations for the zoning district in which such home occupation is located; there shall be no exterior storage of equipment or materials used in the home occupation. Permissible home occupations include, but are not limited to the following: art studio; dressmaking; special offices of a clergyman, lawyer, physician, dentist, architect, engineer, or accountant, when located in a dwelling unit occupied by the same; and teaching, with musical, dancing, and other instruction limited to one pupil at a time.

Subd. 62. "Hospital" means an institution open to the public in which sick or injured persons are given medical or surgical care, or care of contagious or incurable diseases. This care is conducted on a 24 hour basis and is designed for overnight occupancy of the patient.

Subd. 63. "Hospitality House" means a building designed for occupancy by family members of patients receiving care at Level One Trauma Center in guest rooms that may or may not have full housekeeping facilities. (Added, Ord 07-15)

Subd. 64. "Hotel" means a building designed for occupancy as the temporary abiding place of individuals who are lodged with or without meals, in which no provisions are made for cooking in any individual room or suite, and in which there are six or more guest rooms.

Subd. 65. "Junkyard" means an open area where waste, used or second-hand materials are bought, sold, exchanged, stored, bailed, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junkyard includes an automobile wrecking yard but does not include uses established entirely within enclosed buildings.

Subd. 66. "Kennel". See dog or cat kennel.

Subd. 67. "Land reclamation" means the reclaiming of land by depositing 400 cubic yards or more of material so as to elevate the grade. Land reclamation shall not be interpreted as depositing of fill from a building excavation on the same property.

Subd. 68. "Lot" means for purposes of this code, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use and coverage and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street and may consist of:

- (a) a single lot of record or a portion of a lot of record;
- (b) a combination of complete lots of record or portions of lots of record or both;
- (c) a parcel of land described by metes and bounds provided that in no case of subdivision shall any residential lot or parcel be created which does not meet the requirements of this code; or
- (d) a parcel of land approved by the city subsequent to the date of this code and which is occupied or intended for occupancy by one principal building or principal use.

Subd. 69. "Lot area" means the area of a horizontal plane within the lot lines.

Subd. 70. "Lot, corner" or "corner lot" means a lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less. For the purpose of this definition, a cul-de-sac on a street shall not be construed as a deflection in alignment so as to create a corner lot.

Subd. 71. "Lot depth" means the mean horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

Subd. 72. "Lot frontage" means that boundary of a lot abutting a street right-of-way. If a lot is a corner lot, the front shall be the shorter line that abuts the street right-of-way.

Subd. 73. "Lot line" means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into abutting street or alley, the lot line shall be deemed to be the street or alley line.

Subd. 74. "Lot width" means the mean horizontal distance between the side lot lines measured at right angles to the lot depth at a point equal to the minimum depth required for a front yard.

Subd. 75. "Medical clinic" means a structure intended for providing medical examinations and service available to the public. This service is provided without overnight care available.

Subd. 76. "Motel or tourist court" means a building or group of detached, semidetached, or attached buildings containing guest rooms or dwellings, each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used, or intended to be used primarily for the accommodation of transient guests traveling by automobile.

Subd. 77. "Motor fuel station" means a place where gasoline is stored only in underground tanks; kerosene, or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises; and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding. When the dispensing, sale, or offering for sale of motor fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage for purposes of this code.

Subd. 78. "Name plate" means a sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

Subd. 79. "Non-conforming building, structure, or use" means any building, structure or land lawfully occupied by a use or lawfully established at the time of the passage of this code or amendments thereto which does not conform with the requirements of this code.

Subd. 80. "Non-profit organization" means an organization exempt from taxation under section 501(a) and described in sections 501(c)(3), 501(c)(4), or 501(c)(7) of the Internal Revenue Code of 1986, as amended.

Subd. 81. "Nursing home or rest home" means a building having accommodations where care is provided for two or more invalid, infirm, aged, convalescent, or physically disabled persons that are not of the immediate family, but not including hospitals, clinics, sanitariums, or similar institutions.

Subd. 82. "Obstruction, flood plain" or "flood plain obstruction", means a dam, wall, wharf, embankment, levee, dike, pike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting, into any channel, watercourse, regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Subd. 83. "Off-set duplication" means the reproduction of printed materials by photomechanical processes, limited to a maximum print size of 11 inches by 17 inches, and not involving any industrial type processes. Off-set duplication shall be deemed to include such activities as punching, collating, cutting, etc., when engaged in as accessory activities to the principal activity of off-set duplication.

Subd. 84. "Off-street loading space" means a space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business.

Subd. 85. "Open porch or deck". See deck.

Subd. 86. "Open sales lot" means any land used or occupied for the purpose of buying and selling new or second-hand passenger cars or trucks or both, motor scooters, motorcycles, boats, trailers, aircraft, and monuments and for the storing of same prior to sale.

Subd. 87. "Out-patient care" means medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

Subd. 88. "Parking ramp" means a structure designed and used for the storage of motor vehicles at, below or above grade or a combination thereof.

Subd. 89. "Patio" means a horizontal flat surface not higher than the adjoining area and not having any roof or walls.

Subd. 90. "Parking space" means an area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard or compact automobile which has adequate access to a public street or alley and permitting satisfactory ingress or egress of any automobile.

Subd. 91. "Parking space, compact" or "compact parking space" means a parking space not less than 7-1/2 feet wide and 16 feet in length. Compact parking spaces must be provided at a rate of 25% of the total required off-street parking.

Subd. 92. "Permitted use" means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards, if any, of such districts.

Subd. 93. "Principal use" means the main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

Subd. 94. "Reach" means hydraulic engineering term used to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Subd. 95. "Recreational vehicle" or "RV" means a vehicle designed for recreational use, including but not limited to the following: campers, camper trailers, watercraft, snowmobiles, and all-terrain vehicles. A trailer used to transport recreational vehicles shall itself be considered a recreational vehicle. A slip-in camper shall be considered a recreational vehicle regardless of whether it is mounted on a truck or is free standing. In order for a motor vehicle or trailer to be considered a camper, at least four of the following life support systems must be present, two of which must be (a), (b) or (c):

- (a) cooking with liquid propane gas supply.
- (b) potable water supply including sink and faucet.
- (c) separate 110-125 volt electrical power supply.
- (d) heating or air conditioning separate from vehicle engine.
- (e) refrigerator, electric or propane
- (f) toilet, self-contained or connected to a plumbing system.

Subd. 96. "Regional flood" means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average of frequency in the magnitude of the 100 year recurrence interval. Regional flood is synonymous with the term "base flood" used in the flood insurance study.

Subd. 97. "Regulatory flood protection elevation" or "RFPE" means an elevation not lower than one foot above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a flood way.

Subd. 98. "Restaurant" means an establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

Subd. 99. "Rooming house" means a building other than a hotel where, for compensation for definite periods, lodging is provided for persons not of the family as defined herein, but not including a building providing this service for more than ten persons.

Subd. 100. "Satellite antenna" means an apparatus, usually dish shaped, used for receiving electromagnetic waves from satellites orbiting the earth.

Subd. 101. "Set-back" means the minimum horizontal distance between a building and street or lot line.

Subd. 102. "Sign" means any material no matter how arranged, which has outdoor advertising as its principal, intended purpose. A sign is a structure for the purpose of this code.

Subd. 103. "State licensed nonresidential facility" means a facility operating a nonresidential program within the meaning of Minnesota Statutes, section 245A.02, subd. 10, as amended.

Subd. 104. "State licensed residential facility" means a facility operating a residential program within the meaning of Minnesota Statutes, section 245A.01, subd. 14, as amended.

Subd. 105. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above or the ceiling or roof next above such floor. A basement shall not be counted as a story.

Subd. 106. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground, underground, or attached to something having a permanent location on the ground or underground. (Amended, Ord. No. 99-05)

Subd. 107. "Swimming Pool" means any permanently constructed basin for holding water, designed for human use, with a minimum water depth of 24 inches. Swimming pools do not include treatment pools, therapeutic pools, whirlpools, spa pools, wading pools, temporary or seasonal above-ground swimming pools; or landscape ponds, rain gardens, or storm water facilities not intended for human use. (Added, Ord 07-19)

Subd. 108. "Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (ii) any alteration of a structure listed on the national register of historic places or state inventory of historic places.

Subd. 109. "Townhouse" means single family attached unit in structures housing three or more dwelling units, contiguous to each other only by the sharing of one common bearing wall, such structures to be of the town or row house type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight dwelling units and each dwelling unit shall have separate and individual front and rear entrance.

Subd. 110. "Undue hardship" as used in connection with the granting of a variance means that (a) the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner, and (c) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this code. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

Subd. 111. "Unenclosed porch" means a deck or open porch with a roof but no walls or lattice.

Subd. 112. "Use" means the purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this code.

Subd. 113. "Usable open space" means a required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

Subd. 114. "Variance" means the varying of specific literal provisions of this code in instances where their strict enforcement would cause undue hardship and only when it is demonstrated that a varying of the provision will be in keeping with the spirit and intent of this code.

Subd. 115. "Vestibule" means a passage hall or room between the outer door and the interior of a building.

Subd. 116. "Yard" means an open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Subd. 117. "Yard, front" or "front yard" means yard extending along the full width of the front lot line between side lot lines and from the abutting front street right-of-way line to the front building line in depth.

Subd. 118. "Yard, rear" or "rear yard" means the portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot. (Amended, Ord. No. 99-05)

Subd. 119. "Yard, side" or "side yard" means the yard extending along the side lot line between the front and rear yards.

(Amended, Ord 08-02)