## SECTION 1002 – RULES AND DEFINITIONS

**1002.01** **RULES OF WORD CONSTRUCTION.** For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

Subd. 1. The word "person" includes an owner or representative of the owner, firm, association, organization, partnership, trust, company or corporation as well as an individual.

Subd. 2. The present tense includes the future tense, the singular includes the plural and the plural includes the singular.

Subd. 3. The word "shall" is mandatory; the word "may" is permissive.

Subd. 4. The singular number includes the plural, and the plural the singular.

Subd. 5. All measured distances expressed in feet shall be to the nearest tenth of a foot.

Subd. 6. When calculating parking stall requirements, any fraction of a number shall constitute an additional dwelling unit.

Subd. 7. When calculating density, any fraction of a number shall not constitute an additional dwelling unit.

Subd. 8. For terminology not defined in this Ordinance, the most current Webster's Dictionary shall be used to define such terms.

**1002.02** **DEFINITIONS.**

Subd. 1. The following words and terms, whenever they occur in this Ordinance, shall be interpreted as herein defined:

**A.** **Abutting.** Making contact with or separated only by public right-of-way, railroad, public utility right-of-way or navigable waters.

**Accessory Building or Use.** A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

**Addition.** Any physical enlargement of an existing structure.

**Adjacent.** In close proximity to or neighboring, not necessarily abutting.

**Adult Uses.** Adult uses include adult bookstores, adult motion picture theaters, adult motion pictures sales/rentals, adult min-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota Statutes 617.241, as may be amended, are not included.

1. Specified Anatomical Areas.

   a) Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and

   b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. Specified Sexual Activities.

   a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, beastiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

   b) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or

   c) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

   d) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or

   e) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing

costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or

f) Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or

g) Human excretion, urination, menstruation, vaginal or anal irrigation.

3. Adult Uses – Accessory. The offering of retail goods for sale which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties, and the like.

4. Adult Uses – Principal. The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include but are not limited to the following:

a) Adult Use – Body Painting Studio. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas".

b) Adult Use – Bookstore. A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".

c) Adult Use – Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".

d) Adult Use – Companionship Establishment. A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

e) Adult Use – Conversation/Rap Parlor. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

f) Adult Use – Health/Sport Club. A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

g) Adult Use – Hotel or Motel. Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

h) Adult Use – Massage Parlor, Health Club. A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

i) Adult Use – Mini-Motion Picture Theater. A building or portion of a building with a capacity for less than fifty persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

j) Adult Use – Modeling Studio. An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers

and who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

k) Adult Use – Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas”.

l) Adult Use – Motion Picture Theater. A building or portion of a building with a capacity of fifty or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

m) Adult Use – Novelty Business. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

n) Adult Use – Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

o) Adult Use – Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agriculture activities.

**Alley.** A public right-of-way which affords secondary access to abutting property.

**Animals.**

1. Domestic Animals. For purposes of this Ordinance, domestic animal shall be defined as house pets such as dogs, cats, traditional and typical animal pets, and birds (not including pigeons, chickens, geese, turkeys or other domestic fowl) which can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure requiring a building permit from the City. In addition, it includes rabbits normally sheltered outside the home.

2. Farm Animals. Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals traditionally and commonly accepted as farm animals in the state of Minnesota.

**Apartment.** A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

**Apartment Building.** Three (3) or more apartments grouped in one building, with each unit sharing a common area for ingress and egress.

**Applicant.** The owner, their agent or other person having legal control, ownership and/or interest in land which the provisions of this Ordinance are being considered for or reviewed.

**Aquifer Recharge Areas.** All land surface areas which by nature of their surface and/or subsurface characteristics are determined to contribute to the replenishment of subsurface water supplies.

**Artificial Obstruction.** Any obstruction which is not a natural obstruction (see obstruction).

**Automobile Repair – Major.** General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame

or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

**Automobile Repair – Minor.** Installation, including cellular telephones, audio systems, and minor repairs, upholstering, replacement of parts (tires, glass, etc.) and minor motor services to passenger automobiles and trucks not exceeding twelve thousand (12,000) pounds gross weight, but not including any operation specified under "Automobile Repair – Major".

**Automobile Wrecking or Junk Yard.** Any place where two (2) or more vehicles not in running condition and/or not licensed, 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; and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

**Average Ground Level.** The average ground elevation at least five (5) years prior to construction at the corners of a principal or accessory building footprint. Said average ground elevation shall be established from topography maps on file at the Tonka Bay City Hall or as determined by the City Engineer.

**Awning.** A temporary hood or cover which projects from the wall of a building, and of a type which can be retracted, folded or collapsed against the face of a supporting building.

**B.** **Basement.** That portion of a building between floor and ceiling, which is partly below and partly above average ground level, but so located that the vertical distance from average ground level to the floor below is less than the vertical distance from average ground level to ceiling (see "Story").

**Bay.** Cantilevered area of a room.

**Bed and Breakfast Facility.** A building other than a hotel, wherefore compensation, meals and lodging are provided to transient guests, but not including a building providing these services to more than ten (10) persons, and where at least one (1) meal and/or beverages are offered in connection with the provision of sleeping accommodations.

**Block.** That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or railroad right-of-way or unsubdivided acreage.

**Boarder.** One who receives regular meals and/or regular meals and lodging for pay.

**Boarding (house) Home – Foster Children.** A family dwelling where children out of their own homes are cared for.

**Boarding House.** A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.

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

**Boundary Lines.** Any line indicating the bounds or limits of any tract of parcel of land; also a line separating the various use districts as shown on the City's Zoning Map.

**Buffer.** The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from the vision of another use or property.

**Buildable Area.** The space remaining on a lot after the minimum setback and open space requirements of this Ordinance have been met and excluding easements and any portion of the lot which is classified as wetlands in Section 1050.

**Building.** Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

**Building Façade.** That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and including the entire width of the building elevation.

**Building Height, Accessory Buildings.** The height of accessory buildings measured from the top of the finished ground floor elevation to the top cornice line of a flat and mansard roof, and to the uppermost part on a shed, pitched, hipped, round or other arch-type roof.

**Building Height, Principal Buildings.** The height of principal buildings measured from the average ground level prior to construction to the top cornice line of a flat and mansard roof, to the uppermost point on a shed, round or other arch-type roof, or to the average height of the highest gable of a pitched or hipped roof.

**Building Line.** A line parallel to the street right-of-way, or the ordinary high water level at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way.

**Building Setback.** The minimum horizontal distance between the building and the lot line.

**Business.** Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

**C.** **Carport.** A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on at least two (2) sides.

**Cellar.** That portion of a building between the floor and ceiling which is wholly or partly below average ground level and is so located that the vertical distance from average ground level to the floor below is equal to or greater than the vertical distance from average ground level to ceiling.

**Cemetery.** A site or property set apart for the burial or interment of the dead.

**Channel.** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

**Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship and activities.

**City Council.** The governing body for the City of Tonka Bay.

**Clear Cutting.** The removal of an entire stand of trees and/or vegetation.

**Club or Lodge.** A non-profit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests.

**Cluster Development.** The development patterns and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a planned unit development.

**Coffee House – Drive-Through Facility.** A facility that accommodates the patron's automobile from which the occupants may receive a service.

**Commercial Recreation.** Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement dance hall, skating, trampoline, tavern, theater, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses.

**Comprehensive Plan.** A comprehensive plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**Concept Plan.** A report in map and text form submitted as the first phase of a Planned Unit Development (PUD) proposal, depicting the location, general purpose, general type of land use and circulation patterns, primary relationships between site elements and between the proposed development and surrounding development, proposed general schedule of development, and information on the applicant.

**Conditional Use.** Those ~~occupations, vocations, skills, arts, businesses, professions, or uses and/or related building/structures, or improvements specifically designated in each zoning use district or by this Ordinance, which for~~certain types of developments or land development activities which, due to their nature, are specified in the City's Zoning Ordinance as being conditional uses within the respective ~~conduct or performance may require reasonable, but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, conditions, modification, or regulations for the promotion or preservation of the general public~~zoning district. Such conditional uses shall be subject to reasonable conditions imposed by the City's Zoning Code, as well as any conditions the City Council finds reasonable to protect the health, safety, and general welfare~~, health, convenience and the integrity of the City Comprehensive Municipal Plan and this Ordinance~~ of the community-at-large.

**Condominium.** A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.A.1-101 to 515.A.4-118, as may be amended.

**Convenience (Fast) Food Establishment.** An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

**Cooperative (Housing).** A multiple family dwelling owned and maintained by the residents and subject to the provisions of MS 290.09 and 290.13, as may be amended. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupancy ownership.

**Court.** An unoccupied open space other than a yard which is bounded on two (2) or more sides by the walls of the buildings.

**Curb Level.** The elevation of the established curb in front of a building measured at the center of such front. Where no curb level has been established, the City Engineer shall determine a curb level or its equivalent for the purpose of this Ordinance.

**D.** **Day Care Facility.** Any facility licensed by the State Department of ~~Public Welfare~~Health or other state agency, public or private, which for gain or otherwise regularly provides one or two persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs and day services, as defined by Minnesota State Statutes, Section 245.782.5.

**Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

**Density, Residential.** A number expressing the relationship of the number of dwellings to an acre of land as established in the Comprehensive Municipal Plan.

**Department Store.** 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 and services are furnished.

**Deposition.** Any rock, soil, gravel, sand or other material deposited naturally or by man into a water body, watercourse, floodplains, or wetlands.

**District.** A section or sections 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.

**Diversion.** A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

**Drainage.** The removal of surface water or ground water from land.

**Dredging.** To enlarge or clean out a water body, watercourse, or wetland.

**Drive-in Establishment.** 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.

**Driveway.** The area used for vehicular access to a garage or other off-street parking area from a street or alley. A driveway is *not* considered a parking area for the purposes of this ordinance.

**Dwelling.** A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings, but not including hotels, motels, boarding houses, or manufactured housing.

**Dwelling, Multiple (Apartment).** A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but sharing hallways and main entrances and exits. A two-family dwelling (duplex) with a separate rooming unit(s) shall be considered and classified as a multiple family dwelling.

**Dwelling, Single-Family.** A dwelling unit designed exclusively for occupancy by one (1) family.

1. Attached. A dwelling which is joined to another at one or more sides by a party wall.

2. Detached. A dwelling unit not attached to another dwelling or structure or is entirely surrounded by open space.

**Dwelling, Two-Family.** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. A two-family dwelling (duplex) with a separate rooming unit(s) shall be considered and classified as a multi-family dwelling.

1. Double Bungalow. A two-family dwelling with two (2) units side-by-side.

2. Duplex. A two-family dwelling unit with one (1) unit above the other.

**Dwelling Unit.** A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, resorts, tourist homes, or trailers.

**Dwelling Unit Occupancy.** Occupancy of a dwelling unit for the purpose of enforcing provisions of this Ordinance shall be limited by restrictions as included in the definition of family in this Section.

**Dwelling Unit, Temporary.** A residence allowed for a specific time which is intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating. Temporary dwelling units shall not include garages, tents, or accessory buildings.

**E.** **Earth Berm (House Construction).** An earth covering on the above grade portions of the building walls.

**Earth Sheltered Dwelling Unit.** A structure which complies with applicable building standards and which is constructed so that:

1. Roof Area. Eighty (80) percent or more of the roof area is covered with a minimum depth of twelve (12) inches of earth; and

2. Wall Area. Fifty (50) percent or more of the wall area is covered with a minimum depth of twelve (12) inches of earth.

**Easement.** A grant by an owner of land for a specific use by persons other than the owner.

**Efficiency Apartment (Dwelling Unit).** A one (1) room dwelling unit consisting of one (1) principal room having cooking facilities and used for combined living, dining and sleeping purposes.

**Elderly (Senior Citizen) Housing.** A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over sixty two (62) years of age.

**Engineer.** The registered engineer employed or retained by the City, unless otherwise stated.

**Essential Service.** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, steam, hot water, communication or water transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, lift stations and well buildings, and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments.

**Essential Service Structures.** Structures and buildings necessary for the operation of essential services, including but not limited to: telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, lift stations.

**Exterior Storage.** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**Extractive Use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

**F.** **Family.** One (1) ore more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than three (3) persons not so related maintaining a common household and using common cooking and kitchen facilities. (The number of persons herein defined are the basis upon which performance standards are established within this Ordinance.)

**Fence.** A structure or partition erection or grown for the purpose of enclosing or partially enclosing a piece of land into distinct portions; or to separate two (2) contiguous parcels; or to prevent intrusion from without or restrain from within on any piece or parcel of land within the said City of Tonka Bay and shall include landscape walls (with three (3) or more plantings), trellises, or partial enclosures constructed of wood, metal, wire, stone, concrete or other materials and used for such purposes.

1. Fence, Boundary Line. All fences located within five (5) feet of a property line.

2. Fence, Interior Yard. All fences located more than five (5) feet from a property line.

3. Fence, Height. The distance from the adjacent finished grade to the highest projection of a fence structure, not including support

posts, provided that the support posts are no more than four (4) inches above the fence structure.

**Filling.** The act of depositing any rock, soil, gravel, sand or other material so as to fill natural topography, a water body, watercourse, or wetland.

**Fire Lane.** A portion of a platted or dedicated public right-of-way running to Lake Minnetonka and as is designated and numbered on the official zoning map.

**Fish House.** A portable structure designed and equipped primarily for ice fishing.

**Flood Related.** (See Section 1040 of this Code)

**Floor Area, Gross.** The sum of the gross horizontal areas of all floors of the building or portion thereof devoted to a particular use. Gross floor area shall include:, ~~including~~

- accessory storage areas located within selling or working space such as activities, to the production or processing of goods, or to business or professional offices.
- Basement space if at least one-half (½) of the 'basement story' is above the average level of the finished grade.
- Elevator shafts and stairwells at each level.
- Floor space used for mechanical equipment where the structural headroom exceeds seven and one half (7 ½) feet, except equipment open or enclosed located on the roof, i.e., bulk needs, water tanks and cooling towers.
- Attic floor space where the structural headroom exceeds seven and one-half (7 ½) feet.
- Interior balconies and mezzanines.
- Enclosed porches, but not terraces and breezeways.

~~However, the~~Gross floor area shall not include basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the basements or cellars ~~area~~ except for basement space as specified above.

**Floor Area Ratio (FAR).** The gross floor area of a building or buildings on a~~ny~~ lot divided by the area of such lot, or in the case of planned developments by the net site area. ~~The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot~~ When used in this Ordinance, the floor area ratio multiplied by the lot or site area in question produces the maximum amount of floor that may

be constructed on such lot or site area.~~,~~

**Frontage.** That boundary of a lot which abuts an existing or dedicated public street, watercourse or similar barrier.

**G.** **Garage, Private.** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles and non-commercial trucks not exceeding twelve thousand (12,000) pounds gross weight, of the family or families resident upon the premises, and in which no business or industry is carried on unless specifically authorized by this Ordinance.

**Garage, Public.** Any garage other than a private garage. May also mean parking ramp.

**Gas Station.** See Motor Fuel Station.

**Governing Body.** The Tonka Bay City Council.

**Grade (Adjacent Ground Elevation).** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and line five (5) feet from the building.

**Grading.** Changing the natural or existing topography of the land.

**Guest Room.** A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

**H.** **Halfway House.** See Residential Facility.

**Health Club.** A facility which provides athletic activities such as tennis, handball, racquetball, track, basketball, exercise devices, etc. and such incidental services as whirlpool, sauna or massage service for members and guests.

**Home Occupation.** An occupation or profession engaged in by the occupants of the dwelling or accessory building when conducted within said dwelling or accessory building, or when conducted upon a parcel of land containing the dwelling unit, provided that evidence of the occupation is not visible from the street. The acts of gardening in such a parcel shall be included therein, but excepted from the requirement that it not be visible from the street. In cases of home occupation as defined herein, there shall be no over-the-counter sale of merchandise produced off the

premise, except for those products that are not market and sold in a wholesale or retail outlet; examples of such products include, but are not limited to the following: Avon, Fuller Brush, and Shaklee products. In no instances shall the home occupation adversely affect the character of the uses permitted in the zoning district in which the property is located.

**Hotel.** Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) ~~ore~~or more guest rooms, used, designated, or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

**Housing Shelter – Temporary Housing.** A facility operated by the public or a non-profit charitable group or institution which provides one or more transient/homeless persons with lodging and meals for short periods of time in a place other than a person's own home.

**I.** **Interim Use.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow it.

**Intermittent.** A stream or portion of a stream that flows only in direct response to precipitation.

**J.** **Junk Yard.** An open area where waste, use, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled; including but not limited to, scrap iron and other materials, paper rags, rubber, tires, lumber, and bottles. A junk yard includes an auto wrecking yard, but does not include uses established entirely within closed buildings nor sanitary landfills.

**K.** **Kennel.** Any lot, premises, dwelling or dwelling unit in which three (3) or more dogs over the age of six months are kept, harbored, owned or otherwise possessed, either on a commercial basis or scale for boarding or breeding, or on a private basis for personal use, enjoyment or profit.

**L.** **Landscaping.** Plantings such as trees, flowers, grass and shrubs and improvements directly related thereto

**Land Reclamation.** The process of the re-establishment of acceptable topography (i.e., slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

**Loading Space.** A space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a

commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

**Lodging House.** A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.

**Lodging Room.** A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one (1) lodging room.

**Lot (of Record).** A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance, or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building, or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the Council.

**Lot.** A parcel or portion of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.

**Lot Area.** The total land area of a horizontal plane within the lot lines.

**Lot Area, Minimum.** Except as may be otherwise required by this Ordinance, the area of a horizontal plane within the lot lines.

**Lot Area per Unit.** The lot area required by this Ordinance to be provided for each family in a dwelling unit.

**Lot, Auditors.** A lot termed an Auditors Lot on any plat shall be defined the same as “lot” for purposes of this Ordinance.

**Lot, Base.** Lots meeting all specifications in the zoning district prior to being subdivided into a two-family dwelling or quadraminium subdivision.

**Lot, Corner.** A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

**Lot Depth.** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.

**Lot, Double Frontage.** An interior lot having frontage on two (2) streets.

**Lot, Frontage.** The front of a lot shall be, for purposes of complying with this Ordinance, that boundary abutting a public right-of-way. For lots abutting on two streets, the front shall be the boundary with the shortest length. For lakeshore lots, the boundary abutting the lakeshore shall be considered the front.

**Lot Improvement.** Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

**Lot, Interior.** A lot, other than a corner lot, including through lots.

**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 right-of-way.

**Lot Line, Rear.** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot, Reversed Frontage.** A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may be a corner lot or an interior lot.

**Lot, Substandard.** A lot or parcel of land for which a deed has been recorded in the Office of the Hennepin County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

**Lot, Through.** A lot fronting on two parallel streets.

**Lot, Unit.** Lots created from the subdivisions of a two-family dwelling or quadraminium having different minimum lot size requirements than the conventional base lots within the zoning district.

**Lot, Width.** The shortest horizontal distance between the side lot lines measured at right angles to the lot depth at the minimum required building

setback line. If no setback line is established, the distance between the side lot lines measured along the public right-of-way.

**M.** **Manor Home.** A residential structure with five (5) to eight (8) units with each unit having a separate entrance/exit. There may be more than one ~~91)~~ floor and an attached garage space.

**Manufactured Building.** A manufactured building (or prefabricated structure) is any structure manufactured in accordance with the requirements of the Minnesota Prefabricated Structures and Manufactured Building Code promulgated in accordance with Minnesota Statutes Section 16.852 and 16B.61 (State Building Code).

**Manufactured Home.** A structure not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily filed a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under this Section. In Floodway and Flood Fringe Overlay Districts, a manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Furthermore, in Floodway and Flood Fringe Overlay Districts for floodplain management purposes, the term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

**Marina.** An area of concentrated small craft mooring, where ancillary facilities may be provided for some or all of such services as fueling, sewage pump-out, boat launching, boat repair, and boat storage; except that marina does not mean temporary docks associated with riparian residential development if the mooring area is of a size not to exceed the resource limitations of the site and the needs of the residents of the development.

**Medical and Dental Clinics.** A structure intended for providing medical and dental examinations and services available to the public. This service is provided without overnight care available.

**Metes and Bounds Description.** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

**Minerals.** Soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.

**Mining.** All or part of the process involved in the extraction of minerals by removing the overburden and extracting directly from the mineral deposits thereby exposed.

**Motel/Motor Hotel.** A building or group of detached, semi-detached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, 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.

**Motor Fuel Station.** 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.

**N.** **Name Plate.** 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.

**Natural Drainage System.** All land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.

**Natural Obstruction.** Means any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a water body, watercourse, or wetland by a non-human cause.

**Non-Conforming Structure, Use or Lot - Illegal.** A lot, building, structure, premise, lot, or use unlawfully established and in violation of regulations applicable at the time of development or initiation.

**Non-Conforming Structure, Use or Lot - Legal.** A lot, building, structure, premise, or use lawfully established prior to the adoption of this Ordinance or any amendment thereto which does not now conform with

the applicable conditions or provisions of this Ordinance for the district in which the structure or use is located.

**Noxious Matter.** Any solid, liquid, or gaseous material including but not limited to gases, vapors, odor, dusts, mists, or combinations thereof, the emission of which is detrimental to or endangers the public health, safety, comfort or general welfare or causes damage to property.

**Nursery, Landscape.** A business growing and selling trees, flowering and decorative plants, and shrubs.

**Nursing Home.** A private building with facilities for the care of children, the aged, or the infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for treatment of disease or injury. The nursing home shall be licensed by the State Board of Health as provided for in Minnesota State Statutes.

**O.** **Occupancy.** The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

**Off-Street Loading Space.** A space accessible from the street, alley or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

**Off-Street Parking Space.** An area of such shape and dimensions as provided by this Ordinance, enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one (1) motor vehicle, which has adequate access to a public street or alley, and permitting satisfactory ingress and egress of an automobile.

**Open Sales Lot.** Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

**Open Space.** Any open area not covered by structures, but not limited to the following uses: required or established yard areas, parking areas, sidewalks, school walks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, ground water recharge areas, floodplain, floodway, flood fringe, erodable slopes, woodland, and soils with severe limitation for development.

**Open Storage.** Storage of material outside of a building.

**Out Patient Care.** Medical examination or service available to the public. 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.

**Overburden.** The earth, rock and other materials that lie above a natural deposit of mineral.

**Outlot.** A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no building permit shall be issued.

**Owner.** An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.

**P.** **Parapet.** A low wall which is located on a roof of a building will be known as a parapet for the purposes of this Ordinance.

**Parcel.** An individual lot or tract of land.

**Parking Space.** An area enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

**Party Wall.** A common wall which divides two (2) independent structures by a fire wall.

**Patio.** A recreation area adjoining a dwelling at grade level, is often paved and is typically adapted especially to outdoor dining.

**Performance Standard.** Criterion established for setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in uses of land or buildings.

**Permitted Use.** 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 and this Ordinance.

**Person.** An individual, firm, partnership, association, corporation, or organization of any kind.

**Planned Unit Development.**

1. As a conditional use permit, a development procedure whereby internal site design standard deviations from this Section may be allowed in order to accommodate two (2) or more principal structures, and/or facilities improved site design and operation.

2. As a zoning district, a development procedure whereby a mixing of buildings and uses can occur which cannot be otherwise addressed under this Section, and/or whereby internal site design standard deviations from this Section may be allowed to improve site design and operation.

**Pole Buildings.** Any structure possessing the following characteristics: structural wood poles or timbers buried in ground on individual footings, metal wall coverings hung vertically of less than twenty-eight (28) gauge. Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utilities, or any similar structure not covering or enclosing a specific area.

**Porch - Entrance.** A covered entrance to a building usually with a separate roof.

**Portable storage containers.** A portable, weather-resistant receptacle designed and primarily used for the storage or shipment of household goods, wares, building materials or merchandise. This term shall not include roll-off containers or dumpsters.

**Prefabricated Home.** See Manufactured Home.

**Prefabricated Structure.** See Manufactured Building.

**Premises.** A lot or plot with the required front, side and rear yards for a dwelling or other use as allowed under this Ordinance.

**Principal Structure (Building).** A structure that contains a principal use as contrasted to an accessory or incidental use of the property.

**Principal Use.** The main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted or conditional.

~~**Processing Facility.** A building or enclosed space used for the collection and processing of recyclable materials. Processing does not include end-use manufacturing or industrial use but may include the preparation of material for efficient shipment or end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and manufacturing.~~

~~1. A light processing facility occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two (2) outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and shorting of source-separated materials. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.~~

~~2. A heavy processing facility is any processing facility other than a light processing facility and may shred, compact, or bale ferrous metals other than food and beverage containers.~~

**Protective Covenants.** Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of property value and economic integrity of any given area.

**Public Entrance.** Any passage or opening which affords entry and access to the general public or customer.

**Public Entrance, Common.** A public entrance providing access for the utilization and benefit of two or more tenants or building occupants.

**Public Entrance, Exclusive.** A public entrance under the exclusive control and providing access to one tenant or building occupant.

**Public Uses.** Uses owned or operated by municipal, school districts, county, state, or other governmental units.

**Public Utility.** Any person, firm, corporation, municipal department or board fully authorized and furnishing under municipal regulation to the public electricity, gas, steam, communication services, telegraph services, transportation, water or the like.

**Publication.** Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic.

**Q.** **Quadraminium.** A single structure which contains four (4) dwelling units, all of which have individually separate entrances from the exterior of the structure.

**R.** **Railroad Right-of-way.** ~~A strip of land with railway tracks and auxiliary facilities for track operation~~Any land which is encumbered by an easement

or other property interest for the benefit of any party to be used for the purposes of operating a railroad or accessory uses thereupon.

**Recreation, Field or Building.** An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Ordinance.

**Recreational Vehicle.** Includes manufactured homes less than thirty-five (35) feet in overall length, including those with telescope or fold down, chassis, mounter campers, house cars, motor homes, tent trailers, slip-in-campers (those mounted in a pickup truck or similar vehicle), converted buses, and converted vans used primarily for recreational purposes. Cars used for racing shall not be included within this definition.

**Recyclable Materials.** Materials that are separated from mixed municipal solid waste for the purpose of recycling including paper, glass, metals, automobile oil, batteries and other specifically allowed items. Refuse derived material or other material that is destroyed by incineration is not a recyclable material.

**Recycling Facility.** A center for the collection, processing or repair of recyclable materials for reuse in their original form or use in manufacturing processes. Recycling facilities may include the following:

1. Designated Recycling Center. A recycling facility which has complied with the permitting rules of the Pollution Control Agency and is open a minimum of 12 operating hours each week, 12 months per year, and accepts for recycling at least four different materials such as paper, glass, plastic and metal.

2. Collection Facility. A place where the public may donate, redeem, or purchase recyclable materials. Collection facilities may include vending machines, mobile units, unattended containers placed for the donation of recyclable materials and permanent structures.

    a. Reverse Vending Machines. A reverse vending machine is an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass, and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.

b. Mobile Recycling Unit. A mobile recycling unit means an automobile, truck, trailer or van which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, used for the collection of recyclable materials.

**Residential Care Facility.** Any facility licensed by the State Department of Health or ~~Department of Pubic Welfare~~other relevant state agency, public or private, which for gain or otherwise regularly provides one or more persons with twenty-four (24) hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to State institutions under the control of the Commissioner of Public Welfare, foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

**Restaurant.** An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

**Retail.** The sale of items in small quantities directly to the consumer.

**Roof Line.** The top of the coping; or, when the building has a pitched roof, at the intersection of the outside wall with the roof.

**S.** **Satellite Dish.** A combination of (1) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; (2) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; (3) a coaxial cable whose purpose is to carry the signals into the interior of the building.

**Satellite Dish Height.** The height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.

**Screening.** The presence of an artificial barrier, vegetation, or topography which makes any structure on any property visually inconspicuous.

**Semi-Public Use.** Uses owned by private or private non-profit organizations which are open to some, but not all, of the public, such as

denominational cemeteries, private schools, clubs, lodges, recreation facilities, churches, etc.

**Service Entrance.** Secondary passage or opening which is intended for loading and unloading and delivery and removal of merchandise or goods and which is not intended as a public entrance.

**Setback.** The minimum horizontal distance between a building and street or lot line. Distances are to be measured from the most outwardly extended portion of the structure at ground level.

**Sewer System.** Pipelines or conduits, pumping stations, and force main, and all other construction devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

**Shopping Center.** An integrated grouping of commercial stores, under single ownership or control.

**Shoreland Related.** (See Section 1071 of this Code)

**Sign Related.** (See Section 330 of this Code)

**Site Plan.** A map drawn to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, and walkways, as related to a proposed development.

**Slope.** Means the degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.

**Solar Energy System.** Any solar collector or other solar device or any structural design feature of a building whose primary purpose is to collect, convert and store solar energy for useful purposes including heating and cooling of buildings, domestic water heating, electric power generation and other energy using processes.

**Stacking Area ~~(Magazine Space)~~.** That area which allows for a line of automobiles in such instances as drive-up tellers and other vehicle service areas.

**Story.** That portion of a building included beneath the upper surface of a floor and upper surface of floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused under-floor space is more

than six (6) feet above average ground level as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above average ground level as defined herein at any point, such basement or unused under-floor space shall be considered as a story.

**Story, Half.** That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story, and basements where less than one-half (1/2) of the floor to ceiling height is below the average of the highest and lowest point of that portion of the lot covered by the building.

**Street.** A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through-way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

**Street – Collector.** Collector roadways connect neighborhood within and between subregions and distribute traffic between arterials and local streets. Parking is restricted as necessary and posted speed limits typically range between 30 and 45 m.p.h. Collector streets typically should have two driving lanes, two parking lanes, and a bicycle/pedestrian surface if necessary. Collector streets are typically spaced 0.25 – 1.0 miles apart. Traffic control typically involves local street stops, four-way stops, and some traffic signals. Collectors typically carry 1,000 – 15,000 vehicles per day.

**Street – Local.** Local streets provide direct land access within neighborhoods and other homogeneous land use areas and provide connections to collector streets. Parking is usually unrestricted, the posted speed limit is 30 m.p.h. or less, and streets are two lanes wide plus space for parking. Traffic control is most likely to involve strategies such as stop signs, cul-de-sacs, and diverters. Local streets typically carry about 1,000 vehicles or less per day. Residential streets typically carry about ten (10) trips per household per day.

**Street – Minor Arterial.** Minor arterials connect adjacent subregions and activity centers within subregions. Land access is usually restricted and trips are somewhat longer than on collector streets. Parking is often restricted and the posted speed limit is 35-45 m.p.h. Width is dependent on the volume carried. Minor arterials are typically spaced 0.5 – 2.0 miles apart. Traffic control typically includes traffic signal timing and land access spacing.

**Street Frontage.** The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.

**Street – Intermediate Arterial.** Intermediate arterials function at a level between the minor arterial and major arterial categories. Intermediate arterials are not limited access facilities but serve primarily trips between rather than within subregions.

**Street Pavement.** The wearing or exposed surface of a street or roadway used by vehicular traffic.

**Street – Principal (Major) Arterial.** Major arterials provide a high level of mobility between subregions, serving medium to long distance trips. Principal arterials are grade separated or have high capacity controlled at-grade intersections. No parking is permitted; the posted speed limit is typically 40-55 m.p.h., and traffic volumes range from 10,000 – 50,000 ADT. Major arterials are typically spaced one to three miles apart.

**Street Width.** The shortest distance between the lines delineating the right-of-way of a street.

**Structure.** Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other things, structures include buildings, manufactured homes, walls, fences, swimming pools, billboards and poster panels.

**Structural Alteration.** Any change in the supporting members of a building, such as bearing walls, column, beams, girders, or foundations.

**Surveyor.** A land surveyor registered under Minnesota State laws.

**Swimming Pool.** Any outdoor structure, basin, chamber or tank containing an artificial body of water for swimming, diving or recreational bathing used in connection with a single family dwelling and having a depth of more than twenty-four (24) inches at any point and a surface area exceeding one hundred fifty (150) square feet.

**T.** **Townhouses.** Structure housing three (3) or more dwelling units of not more than two (2) stories each and contiguous to each other only by the sharing of one (1) common wall, such structures to be of the town or row houses type as contrasted to multiple apartment structures. No single structure shall contain in excess of eight (8) dwelling units, and each dwelling unit shall have separate and individual front and rear entrances.

**Travel Trailer.** Any vehicle or structure designed and used for human living quarters which meets all of the following qualifications:

1. Is not used as the permanent residence of the owner or occupant.

2. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities.

3. Is towed or otherwise transported by its own or by other motive power, on the public streets or highways incidental to such recreational or vacation activity.

The term "travel trailer" shall not include manufactured home. The term "travel trailer" shall include, but not be limited to, campers, camper tents, house trailers, camping trailers, travel trailers, tent trailers and any other self-propelled vehicle constructed to provide living accommodations. (See also the definition of "Recreational Vehicle".)

**Triplex.** Single structures which contain three (3) subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.

**U.** **Use.** 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 Ordinance.

**Usable Open Space.** A required ground area or terrace area on a lot which is graded, developed, 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 recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

**Used Auto Parts.** The processing, storage, and sale of secondhand or used automobile or other vehicle parts provided such use is established entirely within enclosed buildings.

**V.** **Variance.** A variance is a ~~relaxation of the terms~~deviation from the strict application of a provision of the Zoning Ordinance where such deviation will not be contrary to the public interest and where, owing to conditions unique to the individual property under consideration and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in ~~unnecessary and undue hardship~~a practical difficulty.

**Vegetation.** The sum total of plant life in some area; or a plant community with distinguishable characteristics.

**Veterinary Clinic.** Those uses concerned with the diagnosis, treatment and medical care of animals including animal or pet hospitals.

**Visually Inconspicuous.** Difficult to see or not readily noticeable.

**W.** **Warehousing.** Terminal facilities used primarily for the storage of goods and materials.

**Warehousing, Limited.** Terminal facilities having not greater than ten thousand (10,000) square feet of floor area used primarily for storage of goods and materials. Additionally, such facilities must be compatible with adjoining residential neighborhoods generating minimal traffic, no business activities after 6:00 p.m. or on Sundays, and no outside storage of materials or parking of vehicles outside the building during non-business hours.

**Water Body.** Means a body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basis that holds water and is surrounded by land.

**Watercourse.** A channel or depression through which water flows, such as rivers, steams, or creeks, and may flow year round or intermittently.

**Watershed.** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

**Wetland Related.** (See Section 1050 of this Code.)

**Wind Energy Conversion System (WECS).** An electrical generating facility comprised of one (1) or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

**Wholesaling.** The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

**Y.** **Yard.** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of

determining the width of a side yard, the mean horizontal distance between the lot line and main building shall be used.

**Yard, Depth of.** The mean horizontal distance between the line of a building and the lot line.

**Yard, Front.** The front yard of a lot shall be considered to be the area extending along the full length of a front lot line between side lot lines and to the depth of the front line of the principal building.

**Yard, Rear.** A space extending between the rear line of the main building and the rear line of the lot and extending the full width of the lot.

**Yard, Rear Depth.** The mean horizontal distance between the rear line of the building and the centerline of an alley, where an alley exists; otherwise, a rear lot line.

**Yard, Required.** That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

**Yard, Side.** A yard between the principal building and the side line of the lot extending from the front lot line of the lot the rear yard.

**Yard Waste Compost Facility.** A site used to compost yard waste materials, including all structures or processing equipment used to control drainage; collect and treat leachate; and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.

**Yard Waste Materials.** Garden wastes, leaves, lawn cuttings, weeds and prunings generated by residential or commercial properties.

**Z.** **Zero Lot Line.** The reduction of side yard setback requirements to zero, permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line, no portion of the structure or accessory appurtenance shall project over the lot line.

**Zoning Administrator.** The duly appointed officer charged with the administration and enforcement of this Ordinance.

~~**Zoning Amendment.** A change authorized by the City either text of this Ordinance or in the mapped boundaries of the district.~~

**Zoning District.** An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Ordinance.

**Zoning District Overlay.** A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations. In the case of a conflict of said regulations the more restrictive shall apply.

**Zoning District Underlying (Base).** All zoning districts except overlay zoning districts.

**Zoning Map.** The map or maps incorporated into this Ordinance as part thereof, designating the zoning districts.