

Section 505

Definitions

505.01. Definitions.

Subd. 1. Abutting or adjacent. “Abutting” or “Adjacent” means the land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement or street.

Subd. 2. Accessibility ramps. “Accessibility ramps” means ramps that provide access to buildings for the disabled.

Subd. 3. Accessory dwelling unit. “Accessory dwelling unit” means a separate, complete housekeeping unit, with a separate entrance, kitchen, sleeping area, and bathroom facilities that is located as part of a detached garage.

Subd. 4. Accessory structure. “Accessory structure” means a subordinate building or other subordinate structure, including but not limited to detached garages, sheds, gazebos, or swimming pools, the use of which is clearly subordinate or accessory to the principal use of the building or property.

Subd. 5. Adult uses. “Adult uses” has the meaning given it from the Crystal city code, section 1190.

Subd. 6. Airport facilities. “Airport facilities” means the buildings and grounds of the Crystal Airport, including those areas used for the storage, fueling, and repair of aircraft.

Subd. 7. Alley. “Alley” means a public right-of-way other than a street that affords a secondary means of access to abutting property.

Subd. 8. Amusement center. “Amusement center” has the meaning given it from the Crystal city code, section 1180.

Subd. 9. Animal hospital or veterinary clinic. “Animal hospital or veterinary clinic” means any building or portion of a building where animals or pets are given medical or surgical treatment and are cared for at the time of such treatment, including facilities with offices and/or laboratories for operation and/or functioning of a research and development facility. Use as a kennel shall be limited to short time boarding and shall be incidental to such animal hospital use.

Subd. 10. Antenna support structure. “Antenna support structure” means any building, athletic field lighting, water tower, or other structure other than a tower, which can be used for location of telecommunications facilities as an accessory, subordinate use. New structures built for the purpose of attaching telecommunications facilities are “towers” not “antenna support structures” for the purposes of this UDC. For example, if an athletic field light pole would be replaced by a taller pole to facilitate installation of an antenna, then the new pole would be classified as a “tower” not an “antenna support structure” even if lights would be mounted to it in a manner similar to the way they were mounted to the previous light pole. This term does not include wireless support structures, which are separately defined under this UDC.

Subd. 11. Applicant. “Applicant” means, unless otherwise specified, an owner or agent for the owner, including a subdivider, developer, attorney, or similar representative who has filed an application for development or sign approval with the city.

Subd. 12. Application. “Application” means the process by which the owner, or their agent, of a parcel of land within the city submits a written request for any type of development or sign approval.

Subd. 13. Awning. “Awning” means a roof-like cover, often of fabric, plastic, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Subd. 14. Banks or financial institutions. “Banks or financial institutions” means establishments engaged in deposit banking, which may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, or credit unions.

Subd. 15. Banquet halls or event centers. “Banquet halls or event centers” means a facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food or the sale of alcoholic beverages for on-premises consumption during scheduled events which are not open to the public. The facility space may be used by various groups for social gatherings, meetings, parties, weddings, receptions, or dances.

Subd. 16. Base flood elevation. “Base flood elevation” means the elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

Subd. 17. Basement. “Basement” means an area of a building, including crawl spaces, having its floor or base subgrade below ground level, regardless of the depth of excavation below ground level.

Subd. 18. Bed and breakfast establishment. “Bed and breakfast establishment” means an owner-occupied dwelling that offers short-term lodging, with or without meals, for compensation.

Subd. 19. Block. “Block” means an area of land within a subdivision that is entirely bounded by streets, railroads, waterways, other natural barriers, the exterior boundary of the subdivision or any combination of the preceding.

Subd. 20. Brewer taproom or brewpub. “Brewer taproom or brewpub” has the meaning given it in the Crystal city code, section 1200.

Subd. 21. Building. “Building means any roofed structure used or intended for supporting or sheltering any use or occupancy. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

Subd. 22. Building height. “Building height” means the vertical distance of a building measured in feet from average grade around the perimeter of a structure to (see Figure 1):

- (a) The deck line of a mansard roof; or
- (b) The highest point of a flat roof; or
- (c) The mean height between the eaves and highest point on gable, hip, or gambrel roofs.

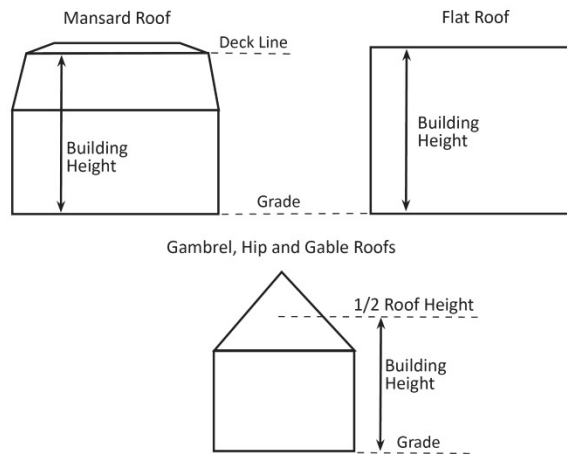


Figure 1: Illustration of building height

Subd. 23. Building, accessory. “Building, accessory” see definition for “Accessory structure”

Subd. 24. Building, principal. “Building, principal” means a building that is the primary use of the lot.

Subd. 25. Building materials sales. “Building materials sales” means lots and related structures used for the sale of construction materials, lumber, and related materials that may or may not be within an enclosed structure.

Subd. 26. Bulk storage of liquids. “Bulk storage of liquids” means a use associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, or similar liquids.

Subd. 27. Canopy. “Canopy” means a roof-like cover, often made of fabric, plastic, metal, or glass on a support, which is affixed to a building and provides shelter over a doorway.

Subd. 28. Carport. “Carport” means an accessory structure used generally for covering vehicles which is open on at least two sides. It may be attached to the home or be freestanding. If the structure is not open on at least two sides, it is considered a garage and shall comply with all requirements in this UDC for garages.

Subd. 29. Cemeteries. “Cemeteries” means land used or dedicated to the burial of the dead, including mausoleums, necessary-related sales, and maintenance facilities. A funeral home may be included when operated within the boundary of such cemetery.

Subd. 30. City. “City” means the City of Crystal, unless otherwise noted.

Subd. 31. Club or lodge. “Club or lodge” means buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not those which are primarily for profit or which render a service that is customarily carried on as a business.

Subd. 32. Commercial truck storage or parking. “Commercial truck storage or parking” means a parking lot used for the storage or temporary parking of commercial vehicles.

Subd. 33. Commercial storage building. “Commercial storage building” means a detached accessory building that is over 200 square feet in size and used primarily for storage for a commercial business. For the purposes of this UDC, commercial storage buildings are not synonymous with self-storage facilities.

Subd. 34. Comprehensive plan. “Comprehensive plan” means the formally adopted comprehensive development plan of the city, composed of maps, charts, diagrams, and text describing the recommended policies and programs to guide the city’s future development and redevelopment.

Subd. 35. Control measure. “Control measure” means a practice or combination of practices to control erosion and attendant pollution.

Subd. 36. Critical facilities. “Critical facilities” means facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

Subd. 37. Curb cut. “Curb cut” has the meaning given it in Crystal city code, subsection 800.03.

Subd. 38. Day care facilities. “Day care facilities” means a facility providing care for children, the elderly, or functionally-impaired adults in a protective setting for a portion of the day.

Subd. 39. Day care facilities, in-home. “Day care facilities, in-home” means a day care facility under rules and statutes of the State of Minnesota serving and providing care to 12 or fewer children.

Subd. 40. Day care, group family facilities. “Day care, group family facilities” means a facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 and which serves 14 or fewer children.

Subd. 41. Deck, detached. “Deck, detached” means a freestanding deck which does not utilize the exterior wall of the principal structure for support.

Subd. 42. Detention facility. “Detention facility” means a permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of stormwater.

Subd. 43. Development. “Development” means any manmade change to improved or unimproved real estate, including buildings or other structures, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

Subd. 44. Driveway. “Driveway” has the meaning given it in the Crystal city code, subsection 800.03.

Subd. 45. Driveway approach. “Driveway approach” has the meaning given it in the Crystal city code, subsection 800.03.

Subd. 46. Drive-through establishment. “Drive-through establishment” means any portion of a building, structure or property from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

Subd. 47. Dwelling. “Dwelling” means a building or portion thereof used exclusively for residential purposes, forming a habitable unit for one family. Garages, tents, and accessory structures shall not be considered dwellings and shall at no time be used as a dwelling, either temporarily or permanently. Tents may be used for recreational purposes.

Subd. 48. Dwelling, multiple. “Dwelling, multiple” means a building designed with three or more dwellings exclusively for occupancy by three or more families living independently of each other.

Subd. 49. Dwelling, one-family attached. “Dwelling, one-family attached” means a building, such as townhouses or row houses, containing dwellings in which:

- (a) Each dwelling is located on its own parcel;
- (b) Each dwelling is attached to another by party walls without openings; and
- (c) Each dwelling has primary ground floor access to the outside.

Subd. 50. Dwelling, one-family detached. “Dwelling, one-family detached” means a residential building containing not more than one dwelling entirely surrounded by open space on the same lot.

Subd. 51. Dwelling, two-family. “Dwelling, two-family” means a building designed exclusively for occupancy by two families living independently of each other, typically referred to as a double bungalow or duplex, where the entire building is located on a single lot.

Subd. 52. Easement. “Easement” means a grant by a property owner to either the public or an individual for the use of the owner’s property for certain specified purposes (i.e. drives, utilities, etc.).

Subd. 53. Equal degree of encroachment. “Equal degree of encroachment” means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Subd. 54. Essential services. “Essential services” means 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.

Subd. 55. Family. “Family” means one or more persons maintaining a common household and using common cooking facilities.

Subd. 56. Farm fence. “Farm fence” means a fence as defined by Minnesota Statutes, section 344.02, subdivision 1(a)-(d). An open type fence of posts and wire is not considered to be a structure in the floodplain overlay district requirements. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under the floodplain overlay district provisions.

Subd. 57. Filtration. “Filtration” means a process by which stormwater runoff is captured, temporarily stored, and routed through a filter bed to improve water quality and slow down stormwater runoff.

Subd. 58. Findings of fact. “Findings of fact” means written findings embodied in a resolution, ordinance, or other document approved or adopted by the body making such findings.

Subd. 59. Flag. “Flag” means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Subd. 60. Flood. “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. 61. Flood frequency. “Flood frequency” means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Subd. 62. Flood fringe. “Flood fringe” means the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Hennepin County, Minnesota.

Subd. 63. Flood prone area. “Flood prone area” means any land susceptible to being inundated by water from any source (see “Flood”).

Subd. 64. Floodplain. “Floodplain” means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Subd. 65. Floodproofing. “Floodproofing” 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. 66. Floodway. “Floodway” means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

Subd. 67. Floor area, gross. “Floor area, gross” means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings.

Subd. 68 Floor area, finished. “Floor area, finished” means the gross floor area that is finished as fully habitable space, including the finished portion of a basement. Where a sloped ceiling is present, only that portion which has at least six feet of vertical clearance from floor to ceiling shall be considered finished floor area.

Subd. 69 Food trucks. “Food trucks” means a food and beverage establishment that is a vehicle-mounted unit within which food is stored, cooked, prepared, and or offered for direct sale to the consumer.

Subd. 70. Frontage. “Frontage” means the line of contact of a property with a public right-of-way.

Subd. 71. Funeral home. “Funeral home” means a building used for human funeral services and which may include space for embalming and other services used in the preparation of the dead for burial, the indoor storage of caskets, funeral urns, and other related supplies. Funeral homes do not include facilities for cremation, but cremation services may be offered.

Subd. 72. Garage, attached. “Garage, attached” means the storage of motor vehicles by the owner or occupant of the principal use in a garage that is attached to the principal structure by a common wall or by a roof. An attached garage has no facilities for mechanical service or repair.

Subd. 73. Garage, detached. “Garage, detached” means an accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair.

Subd. 74. Garage or yard sales. “Garage or yard sales” means the infrequent temporary display and sale of general household goods, used clothing, appliances, and other personal property.

Subd. 75. Grade. “Grade” means the average finished ground level of the land around the perimeter of a lot, structure, or building.

Subd. 76. Half street. “Half street” means a right-of-way dedicated for a street by a developer along such developer’s perimeter property line equal to only one-half of the total right-of-way width required by this UDC.

Subd. 77. Home business. “Home business” means a business, profession, activity, or use that is clearly a customary, incidental, and accessory use of a residential dwelling and except for allowable signage does not alter the exterior of the property or affect the residential character of the neighborhood.

Subd. 78. Hospital. “Hospital” means an institution licensed by the state providing health care services and medical or surgical care to persons, primarily inpatient, suffering illness, disease, injury, and other physical and mental conditions. Hospitals may include as an integral part of the facility laboratories, outpatient facilities, or training facilities.

Subd. 79. Hotel, motel, or extended stay. “Hotel, motel, or extended stay” means a facility containing four or more guest rooms and offering transient lodging accommodations on a daily rate to the general public, plus no more than two dwelling units as accessory uses to the hotel and occupied only by the property owners or on-site managers.

Subd. 80. Hydric soils. “Hydric soils” means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Subd. 81. Hydrophytic vegetation. “Hydrophytic vegetation” means macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Subd. 82. Impervious surface. “Impervious surface” means any surface that does not readily absorb or retain water, including but not limited to buildings, roofs, parking areas and driveways, sidewalks, and pavement.

Subd. 83. Industrial uses (indoors). “Industrial uses (indoors)” means a facility used primarily for manufacturing, processing, or assembly of products that is a fully enclosed structure where noise, odor, light, or vibrations are not noticeable from the adjacent properties.

Subd. 84. Industrial uses with outdoor storage of parts, products, or fuel. “Industrial uses with outdoor storage of parts, products, or fuel” means:

- (a) Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials and also uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, truck terminals, public works yards, and container storage.
- (b) Outdoor/open storage of parts, products, or fuels (exterior storage) means any land used or occupied for the purpose of the storing of the goods and materials used for the principal industrial use.

Subd. 85. Infiltration. “Infiltration” means the passage of water into the ground through the soil.

Subd. 86. Kennels, commercial. “Kennels, commercial” has the meaning given it in the Crystal city code, section 910.

Subd. 87. Kennels, private. “Kennels, private” has the meaning given it in the Crystal city code, section 910.

Subd. 88. Lot. “Lot” means land occupied or proposed to be occupied by a building and its accessory buildings, together with such open space as is required under the provisions of this UDC, having not less than the minimum area required by this UDC for a building site in the district in which such lot is situated and having its principal frontage on a street or a proposed street approved by the city council.

Subd. 89. Lot coverage. “Lot coverage” means that portion of a lot that is covered by impervious surfaces.

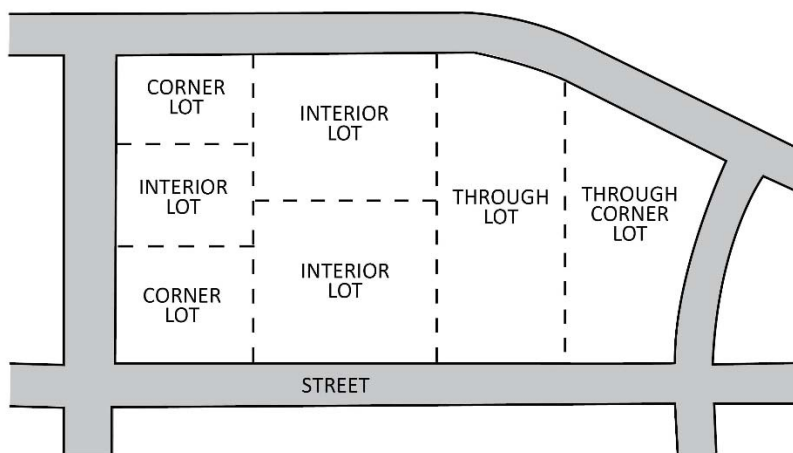


Figure 2: Illustration of lot configuration

Subd. 90. Lot, corner. “Lot, corner” means a lot abutting on more than one street and situated at an intersection of streets (see figure 2).

Subd. 91. Lot, interior. “Lot, interior” means a lot abutting on only one street (see figure 2).

Subd. 92. Lot, through. “Lot, through” means a lot abutting on more than one street but not situated at an intersection of streets (see figure 2).

Subd. 93. Lot, through corner. “Lot, through corner” means a lot abutting on more than one street and situated at more than one intersection of streets (see figure 2).

Subd. 94. Lot area. “Lot area” means the area of a horizontal plane within the lot lines.

Subd. 95. Lot depth. “Lot depth” means the shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.

Subd. 96. Lot line, front. “Lot line, front” means the boundary of a lot that abuts a public street. On a corner lot, it shall be the street-abutting lot line with the shortest dimension. If the property lines on both street frontages are of the same length, the property line to be used for front setback measurement shall be determined by the zoning administrator. On a through lot, the lot line for which the home is facing shall be the front lot line (see figure 3).

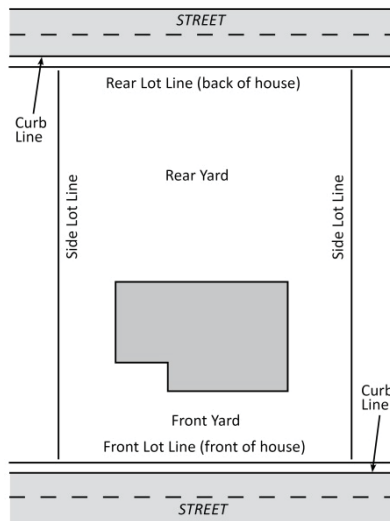


Figure 3: Illustration showing yards for through lot

Subd. 97. Lot line, rear. “Lot line, rear” means the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

Subd. 98. Lot line, side. “Lot line, side” means any lot line that is not a front, rear or corner side lot line.

Subd. 99. Lot line, corner side. “Lot line, corner side” means any street-abutting lot line that is not a front or rear lot line.

Subd. 100. Lot of record. “Lot of record” means land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the recorder of Hennepin County, Minnesota; or a parcel of land, the deed to which was recorded in the office of the recorder or registrar of titles of Hennepin County, Minnesota prior to the adoption of the ordinance codified in this UDC.

Subd. 101. Lot width. “Lot width” means the horizontal distance between side lot lines. In the case of irregularly shaped lots located on a cul-de-sac or curved street, lot width shall be measured at the required front and rear setback lines.

Subd. 102. Lowest floor. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the building in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

Subd. 103. Manufactured home. “Manufactured home” has the meaning given in Minnesota Statutes, section 327.31. The term “manufactured home” does not include the term “recreational vehicle.”

Subd. 104. Marquee. “Marquee” means any permanent roof-like structure extending along or projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Subd. 105. Medical clinics. “Medical clinics” means a building, or part of a building, where persons are cared for on an outpatient basis.

Subd. 106. Multiple tenant building. “Multiple tenant building” means any building which has more than one (1) tenant, and where each tenant has a separate ground-level exterior public entrance.

Subd. 107. New construction. “New construction” means structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of the floodplain overlay district provisions.

Subd. 108. Non-commercial speech. “Non-commercial speech” means dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Subd. 109. Non-conforming lot. “Non-conforming lot” means a lot of record or other parcel of land that does not comply with the lot requirements for any allowed use in the zoning district in which it is located.

Subd. 110. Non-conforming structure. “Non-conforming structure” means any structure permitted prior to the effective date of this UDC, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this UDC.

Subd. 111. Non-conforming use. “Non-conforming use” means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Subd. 112. Obstruction. “Obstruction” means any, wall, embankment, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Subd. 113. Offices, professional. “Offices, professional” means establishments providing executive, management, administrative or professional services including, but not limited to, real estate, medical clinics, architecture, legal, travel, contractor, employment, insurance, and similar uses.

Subd. 114. One hundred year floodplain. “One hundred year floodplain” means lands inundated by the “Regional Flood” (see definition).

Subd. 115. Owner or property owner. “Owner or property owner” means the owner or taxpayer of record according to Hennepin County property tax records.

Subd. 116. Parapet wall. “Parapet wall” means that portion of building wall that rises above the roof level.

Subd. 117. Parking lots or ramps. “Parking lots or ramps” means land that is surfaced in accordance to the requirements of this UDC and used for the temporary parking of vehicles as a business enterprise.

Subd. 118. Patio. “Patio” means an open, level-surfaced area that is typically impervious, has an elevation of no more than 12 inches above grade, is without walls or roofs, and is intended for outdoor seating or recreation.

Subd. 119. Personal services. “Personal services” means establishments that are primarily engaged in providing services generally involving the care of the person or the person’s possessions. Personal services may include, but are not limited to laundry and dry-cleaning services, tailors, barber or beauty shops, health and fitness studios, nail salons, locksmiths, tattoo parlors, therapeutic massage, pet grooming, portrait studios, and similar uses.

Subd. 120. Plat, final. “Plat, final” means the final formally approved layout of the proposed subdivision showing the same information as the preliminary plat, complying with the requirements of this UDC, and any additional requirements imposed by the city council and prepared in the form required by the appropriate county office and Minnesota Statutes, section 505.

Subd. 121. Plat, preliminary. “Plat, preliminary” means a tentative layout of the proposed subdivision prepared for the purpose of formal review by the city. The preliminary plat shows lots, blocks, streets, and physical features relevant to the development of the property, but not in the detail or final form of the final plat.

Subd. 122. Porch, open. “Porch, open” means a porch that may have a roof but is not enclosed with windows, screens or walls.

Subd. 123. Portable storage container. “Portable storage container” means a temporary portable structure or container that allows for on-site storage of goods or materials, and which is not permanently affixed to a foundation.

Subd. 124. Private recreational facilities, indoor. “Private recreational facilities, indoor” means recreational facilities are private recreational facilities located completely within an enclosed building that includes, but is not limited to bowling alleys, volleyball courts, ice skating rinks, and driving ranges. The term does not include amusement centers.

Subd. 125. Private recreational facilities, outdoor. “Private recreational facilities, outdoor” means private recreational facilities providing outdoor activities that includes, but is not limited to, sand volleyball courts, miniature golf courses, batting cages, and tennis courts.

Subd. 126. Public and semipublic buildings. “Public and semipublic buildings “ means buildings containing public or civic uses of special significance to residents, employees or visitors such as community service centers. Public and semipublic buildings do not include public utility buildings, schools, or religious institutions.

Subd. 127. Public waters. “Public waters” means waters of the state as defined in Minnesota Statutes, section 103G.005.

Subd. 128. Reach. “Reach” means a 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. 129. Recreational vehicle. “Recreational vehicle” has the meaning given the term in Minnesota Statutes, section 168.002. For the purposes of this UDC, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle”.

Subd. 130. Regional flood. “Regional flood” means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in a flood insurance study.

Subd. 131. Regulatory flood protection elevation (RFPE). “Regulatory flood protection elevation” or “RFPE” means an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Subd. 132. Religious institutions. “Religious institutions” mean a building, together with its accessory buildings, 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.

Subd. 133. Repetitive loss. “Repetitive loss” means flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Subd. 134. Restaurant or eating establishment. “Restaurant or eating establishment” means an establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state. Restaurants or eating establishments include cafes, coffee shops, and ice cream shops.

Subd. 135. Restrictive covenant. “Restrictive covenant” means a recorded contract or agreement entered into between private parties establishing restrictions on the development or use of property in addition to those established by this UDC.

Subd. 136. Retail establishments. “Retail establishments” means establishments primarily engaged in the sale of goods to the general public. Retail uses may include, but are not limited to, bookstores, liquor stores, bakeries, grocery stores, and other similar uses.

Subd. 137. Retention facility. “Retention facility” means a permanent natural or man-made structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

Subd. 138. Seasonal agricultural sales. “Seasonal agricultural sales” means the outdoor sale of goods or products obtained primarily through farming or agricultural activities, including, but not limited to: pumpkins; grain and seed crops; fruits and vegetables; nursery, floral, ornamental, and greenhouse products; and Christmas trees.

Subd. 139. Schools, elementary or secondary. “Schools, elementary or secondary” means buildings used to teach students that includes elementary schools, middle schools or high schools.

Subd. 140. Schools, nursery or preschool. “Schools, nursery or preschool” means a school providing general daytime care and/or instruction for children six years of age or younger which conducts no instructional programs certified by the state department of education as meeting the minimum educational requirements for compulsory-age children.

Subd. 141. Schools, trade or business. “Schools, trade or business” means a school operated for profit, which teaches business, professional, or technical trades or skills, or a school not otherwise included within the provisions of this UDC.

Subd. 142. Self-storage facilities. “Self-storage facilities” means a building or group of buildings having compartments, rooms, spaces, containers, or other types of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or business goods or property, and where the facility owner/operator has limited access to such privately-rented units. For the purposes of this UDC, the term self-storage facilities shall be considered synonymous with the term mini-storage.

Subd. 143. Senior housing. “Senior housing” means a multiple dwelling building or group of buildings in which each dwelling is occupied by at least one person age 55 or older. This includes assisted living but not institutions such as specialized care facilities.

Subd. 144. Setback. “Setback” means the minimum required horizontal distance between a structure and a lot line, as measured perpendicular to the lot line. Setback standards provide open areas around structures for visibility and traffic safety, access to and around structures, access to natural light, ventilation and direct sunlight, separation between potentially conflicting activities, and space for privacy, landscaping, and recreation.

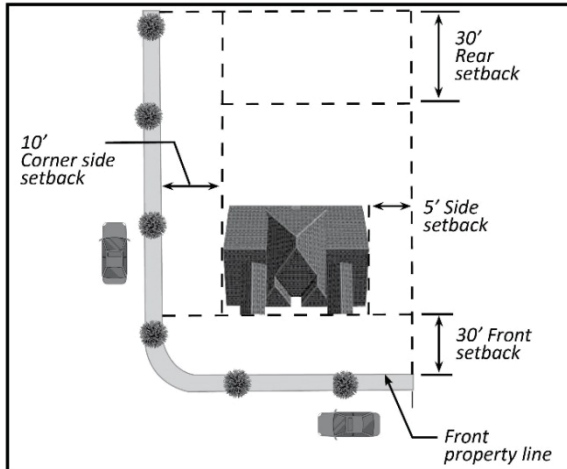


Figure 4: Illustration showing typical setbacks for a one-family dwelling

Subd. 145. Setback, front. “Setback, front” means the minimum required horizontal distance between a structure and the front lot line (see figure 4).

Subd. 146. Setback, rear. “Setback, rear” means the minimum required horizontal distance between a structure and the rear lot line (see figure 4).

Subd. 147. Setback, side. “Setback, side” means the minimum required horizontal distance between a structure and the side lot line (see figure 4).

Subd. 148. Setback, corner side. “Setback, corner side” means the minimum required horizontal distance between a structure and the corner side lot line (see figure 4).

Subd. 149. Shed. “Shed” means a detached accessory building that is used primarily for the storage of goods, not vehicles.

Subd. 150. Sign face. “Sign face” means the surface of the sign upon, against, or through which the message of the sign is exhibited.

Subd. 151. Sign structure. “Sign structure” means any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Subd. 152. Sign. “Sign” means any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed, or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes. Signs shall be further defined as follows:

- (a) Abandoned sign. “Abandoned sign” means any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.
- (b) Awning sign. “Awning sign” means a building sign or graphic printed on or in some fashion attached directly to the awning material.
- (c) Balloon sign. “Balloon sign” mean a temporary sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air that is greater than 24 inches in diameter.
- (d) Building sign. “Building sign” means any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.
- (e) Canopy sign. “Canopy sign” means any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee sign and is different from service area canopy signs.
- (f) Changeable sign. “Changeable sign” means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable signs do not include signs upon which characters, letters, or illustrations change or rearrange only once in a 24-hour period.
- (g) Electronic or electrically-controlled readerboard. “Electronic or electrically-controlled readerboard sign” means a sign, or section thereof, on which messages may are changed by electronic processes or remote control and the only movement of which is the periodic changing of information against a solid, colorless background, having a constant light illumination level.

- (h) Electric sign. “Electric sign” means a sign containing electrical wiring; the term does not include signs illuminated by an exterior light source.
- (i) Flashing sign. “Flashing sign” means a directly or indirectly illuminated sign which exhibits changing light or color effects by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.
- (j) Freestanding sign. “Freestanding sign” means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure. For the purposes of this UDC, a monument sign is not a freestanding sign.
- (k) Governmental sign. “Governmental sign” means any temporary or permanent sign erected and maintained by the City, County, State, or federal government, or a public utility.
- (l) Illuminated sign. “Illuminated sign” means any sign which contains an element designed to emanate artificial light internally or externally.
- (m) Marquee sign. “Marquee sign” means any building sign painted, mounted, constructed or attached in any manner, on a marquee.
- (n) Monument sign. “Monument sign” means any sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.
- (o) Nonconforming sign. “Nonconforming sign” means any sign and its support structure lawfully erected prior to the effective date of this UDC which fails to conform to the requirements of this UDC. A sign which was erected in accordance with a variance granted prior to the adoption of this UDC and which does not comply with this UDC shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.
- (p) Off-premise sign. “Off-premise sign” means a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not located on the same premises where such business sign is located. For purposes of this UDC, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.
- (q) On-premise sign. “On-premise sign” means a sign that pertains to the use of the premises or the property on which it is located.

- (r) Pole sign. “Pole sign” means a sign which has the same meaning as pylon sign (see definition).
- (s) Portable sign. “Portable sign” means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.
- (t) Projecting sign. “Projecting sign” means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than 15 inches beyond the surface of such building or wall face. A projecting sign is also a sign located above or below a canopy or marquee.
- (u) Pylon sign. “Pylon sign” means any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.
- (v) Roof sign. “Roof sign” means any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- (w) Rotating sign. “Rotating sign” means a sign or portion of a sign which turns about on an axis.
- (x) Shimmering sign. “Shimmering sign” means a sign which reflects an oscillating sometimes distorted visual image.
- (y) Small sign. “Small sign” means a single sign six square feet or less in size.
- (z) Temporary sign. “Temporary sign” means a sign which is erected or displayed, or both, for a limited period of time.

- (aa) Vehicle sign. “Vehicle sign” means any sign exceeding 10 square feet in sign area that is mounted, painted, placed, affixed or attached to a trailer, watercraft, truck, automobile or other form of motor vehicle that is parked so that the sign is discernable from a public street or right-of-way as a means of communication. The vehicle upon which the sign is affixed must function primarily as a means to display the sign rather than as a transportation device, as determined by consideration of any combination of the following factors: a) the absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed; b) the vehicle on which the sign is displayed is inoperable; c) the vehicle on which the sign is displayed is not parked in a lawful or authorized location or is on blocks or other supports or is parked in a manner that is not in conformity with the identified parking space on the lot; d) the vehicle displaying the sign remains parked on the premises after normal business hours when customers and employees are not normally present on the premises; or e) the vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right-of-way on a regular basis.
- (bb) Wall sign. “Wall sign” means any building sign attached parallel to, but within two feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. A wall sign is also a sign installed on the face of a canopy or marquee, but not extending beyond the face.

Subd. 153. Small wireless facility. “Small wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 11.

Subd. 154. Special flood hazard area. “Special flood hazard area” means a term used for flood insurance purposes synonymous with “One hundred year floodplain.”

Subd. 155. Specialized care facilities. “Specialized care facilities” means any facility where the primary function is the provision, on a continuing basis, of nursing services and health-related services for treatment and in-patient care, such as nursing homes, memory care facilities, and hospices. This does not include senior housing or the residence of any individual who cares for another family member.

Subd. 156. Start of construction. “Start of construction” means in relation to the floodplain overlay district, start of construction includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction

does not include: land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Subd. 157. State licensed residential facility. “State licensed residential facility” means a licensed, public or private, residential care facility located in a residential dwelling unit that provides six or fewer persons with a 24-hour-per-day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the client's own home. Residential facilities include, but are not limited to, state institutions for human services, foster homes, residential treatment centers, group homes, residential programs, or supportive living residences for functionally impaired adults.

Subd. 158. Stealth. “Stealth” means any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to look other than a tower such as light poles, power poles, and trees.

Subd. 159. Street. “Street” means a public right-of-way greater than 30 feet in width platted or dedicated for the purpose of accommodating vehicular traffic or providing principal access to abutting property. An alley is not a street.

Subd. 160. Structure. “Structure” means anything constructed or erected on or connected to the ground, whether temporary or permanent in character.

Subd. 161. Subdivision. “Subdivision” means as a verb, the term means the process of separating a parcel of land for the purpose of building or conveyance including the division of previously subdivided property. As a noun, the term means the product resulting from the separation of a parcel into two or more parcels. The term also includes the activity regulated by Minnesota Statutes, chapters 515, 515A, and 515B.

Subd. 162. Substantial damage. “Substantial damage” means in relation to the floodplain overlay district damage of any origin sustained by a structure where the cost of restoring the structure to it’s before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Subd. 163. Substantial improvement. “Substantial improvement” means in relation to the floodplain overlay district within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this subsection, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

Subd. 164. Survey, certified. “Survey, certified” means a scaled drawing prepared by a registered land surveyor of a property indicating the location and dimensions of property lines, and if appropriate the location and dimensions of existing and proposed buildings. A survey typically depicts a parcel’s legal description and may also show additional information such as topographic data and the location of recorded easements.

Subd. 165. Telecommunications facilities. “Telecommunications facilities” means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, the term “telecommunications facilities” shall not include any satellite earth station antenna 1 meter or less in diameter, or any satellite earth station antenna 2 meters in diameter or less which is located in an area zoned industrial or commercial. This term does not include wireless facilities, which are separately defined under this UDC.

Subd. 166. Telecommunications tower or tower. “Telecommunications tower or tower” means a self-supporting lattice, guyed, or monopole structure constructed from grade whose principal use is to support telecommunications facilities. The term tower shall not include amateur radio operations equipment licensed by the Federal Communications Commission (FCC). This term does not include wireless facilities or wireless support structures, which are separately defined under this UDC.

Subd. 167. Theater, indoor. “Theater, indoor” means a building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Subd. 168. Useable open space. “Useable 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, which is available and accessible to and useable by all persons occupying a dwelling 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 useable open space.

Subd. 169. Use, accessory. “Use, accessory” means a use which:

- (a) Is subordinate to and serves a principal building or principal use;
- (b) Is subordinate in area, extent, and purpose to the principal structure or principal use as served; and
- (c) Is located on the same lot as the principal structure or principal use served and except as otherwise expressly authorized by the provisions of this UDC.

Subd. 170. Use, conditional. “Use, conditional” means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

Subd. 171. Use, permitted. “Use, permitted” means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, including development standards, of such districts.

Subd. 172. Use, principal. “Use, principal” means the main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be permitted or conditional.

Subd. 173. Use, temporary. “Use, temporary” means a use that may be permitted for a specified period of time.

Subd. 174. Variance. “Variance” means an approval issued by the city council waiving the application of one or more provisions of this UDC with respect to a particular property in instances where the applicant demonstrates that there are practical difficulties in strictly complying with the requirements of this UDC because of circumstances unique to the property that were not caused by the applicant.

Subd. 175. Vehicle, boat or recreational sales and rental. “Vehicle, boat or recreational sales and rental” means facilities where new or used vehicles, boats, or recreational vehicles, in operational condition, are sold, leased, or rented to customers.

Subd. 176. Vehicle fuel stations. “Vehicle fuel stations” means a facility for the retail sale of unleaded or diesel gasoline. A vehicle fuel station may include a convenience store or general repair and maintenance of vehicles, such as muffler repair, oil change and lubrication, or tire service and sales.

Subd. 177. Vehicle impound lot. “Vehicle impound lot” means a parcel of land used for the outdoor storage of impounded vehicles, including impounded recreational vehicles. Commercial truck storage or parking, as defined in this UDC, is not a vehicle impound lot.

Subd. 178. Vehicle repair. “Vehicle repair” means the general repair and maintenance of vehicles such as oil changes, muffler repair, tire service and sales, or more substantial work such as body and fender work, upholstery, and replacement of parts.

Sub. 179. Volume management. “Volume management” means the retention and abstraction of a certain volume of stormwater runoff onsite through techniques such as infiltration, evapotranspiration, and capture and reuse.

Subd. 180. Wetlands. “Wetlands” means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands shall have the following attributes:

- (a) A predominance of hydric soils;
- (b) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances, support a prevalence of such vegetation.

Subd. 181. Wireless facilities. “Wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 13.

Subd. 182. Wireless support structures. “Wireless Support Structure” has the meaning given in Minnesota Statutes, section 237.162, subdivision 16.

Subd. 183. Workshop. “Workshop” means an accessory residential use for the creation of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items. A workshop may be either an accessory use within the principal building or may be an accessory building on the property.

Subd. 184. Yard. “Yard” means the horizontal distance between the principal structure and a lot line, as measured perpendicular to the lot line. Eaves are not to be considered part of the principal structure for the purpose of determining the location or extent of a yard.

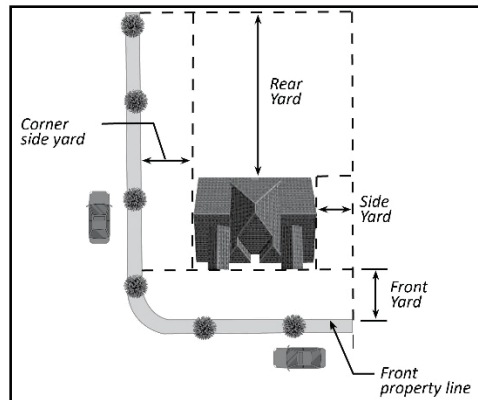


Figure 5: Illustration showing yard locations

Subd. 185. Yard, front. “Yard, front” means the horizontal distance between the principal structure and the front lot line, extending across the full width of the lot (see figure 5).

Subd. 186. Yard, rear. “Yard, rear” means the horizontal distance between the principal structure and the rear lot line, extending across the full width of the lot (see figure 5).

Subd. 187. Yard, side. “Yard, side” means the horizontal distance between the principal structure and the side lot line, extending from the front yard to the rear yard (see figure 5).

Subd. 188. Yard, corner side. “Yard, corner side” means the horizontal distance between the principal structure and the corner side lot line, extending from the front yard to the rear yard (see figure 5).