

TITLE / APPLICATION / RULES

§ 1007.000 TITLE AND APPLICATION.

(1) *Title.* This Ordinance shall be known, cited and referred to as the “CITY OF LINO LAKES ZONING ORDINANCE” except as referred to herein, where it shall be known as “this Ordinance.”

(2) *Intent and Purpose.* This Ordinance is adopted for the purpose of:

- (a) Protecting the public health, safety, comfort, convenience and general welfare.
- (b) Dividing the City of Lino Lakes into zones and districts restricting and regulating therein the location and use of structures and land and lot size.
- (c) Promoting orderly development of the residential, business, industrial, recreational and public areas.
- (d) Providing adequate light, air, and convenience of access to property.
- (e) Limiting congestion in the public right-of-way.
- (f) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings in relation to the land and buildings surrounding.
- (g) Providing for the compatibility of different land uses and the most appropriate use of land throughout the City of Lino Lakes.
- (h) Protecting and guiding the development of the rural area.
- (i) Conserving and developing natural resources.
- (j) Fostering agriculture and other industries.
- (k) Preventing a wasteful scattering of population.
- (l) Securing safety from flood.
- (m) Reducing waste and municipal maintenance cost from excessive mileage of roads.
- (n) Conserving the natural and scenic beauty and attractiveness of road sides and lakeshores.
- (o) Providing for the administration of this Ordinance and amendments thereto.

(p) Defining the powers and duties of the administrative officers and bodies, as provided hereinafter.

(3) *Application.*

(a) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

(b) Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law ordinance, statute, resolution, or regulation, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.

(c) Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.

(4) *Relation to Comprehensive Municipal Plan.* It is the policy of the City of Lino Lakes that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the City Comprehensive Plan as developed and amended from time to time by the Planning and Zoning Board and City Council. The Council recognizes the Comprehensive Plan as the policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

(5) *Uses Not Provided for Within Zoning Districts.* In any zoning district, whenever a proposed use is neither specifically allowed nor denied, the City Council shall determine if the proposed use is comparable in potential activities and impacts to a use listed within the zoning district and is acceptable related to land use compatibility, traffic, and/or nuisance issues and established conditions and standards relating to development of the use. Where such a determination is made, the requirements established for the listed use shall apply as minimum standards for the proposed use. Additional requirements may be applied to address differences between the listed use and the proposed use.

In such cases where, in the judgment of the City Council, there is no comparable use listed, the City Council or Planning and Zoning Board, on their own initiative or upon request from the property owner, may conduct a study to determine if the proposed use is acceptable and, if so, what zoning district would be most appropriate and what conditions and standards should apply to the proposed use. The City Council, Planning and Zoning Board, or property owner, on receipt of the staff study, may initiate an amendment to the Zoning Ordinance consistent with § 1007.015 of this Ordinance to provide for the particular use under consideration or shall find that the proposed use is not compatible for development within the City.

(6) *Separability.* It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

(a) If any court or competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in such judgment.

(b) If any court or competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

(7) *Authority.* This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.363.

(8) *Comprehensive Revision.* This Ordinance shall be a comprehensive revision to Ordinance 09-97, adopted July 14, 1997, of the City Code, as amended. Any act done, offense committed, or rights accruing or accrued, or liability, penalty incurred or imposed prior to the effective date of this Ordinance is not affected by its enactment.

(9) *Fees.* No application for a Zoning Ordinance amendment, rezoning, conditional use permit, interim use permit, variance, administrative permit, or site and building plan review shall be accepted or considered by the City Council or any other body of the City unless such application is complete and accompanied by a deposit. The total fee for processing such application, which shall be paid by the petitioner to the City, shall be paid whether or not such application is approved or denied. The deposit shall be used to cover the total out of pocket expenses incurred by the City in processing such application, for such necessary items as, but not limited to, attorney's, planner's, and/or engineer's fees and costs, and any other costs incident thereto, and shall be in addition to a fee for the City staff services, to be paid to the City, which separate fees and deposits shall be established by City Council resolution.

The deposit shall not be considered as the total amount to be paid. The total amount shall be the actual amount expended plus the fee for the City staff services.

Any unused portion of the required deposits will be returned to the petitioner. The fees established herein may be changed by the City Council from time to time, by resolution or ordinance, as appropriate. A copy of said resolution or ordinance shall be on file in the office of the City Clerk and available for inspection during regular City office hours.

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§ 1007.001 RULES AND DEFINITIONS.

(1) *Rules.* The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- (a) The singular number includes the plural, and the plural the singular.
- (b) The present tense includes the past and the future tenses, and the future the present.
- (c) The words “shall” and “must” are mandatory while the word “may” is permissive.
- (d) The masculine gender includes the feminine and neuter.
- (e) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition thereof.
- (f) In the event of conflicting provisions, the more restrictive shall apply.
- (g) All measured distances expressed in feet shall be the nearest tenth of a foot.
- (h) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirement for the promotion of health, safety, and welfare.

(2) *Definitions.* The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

ACCESSORY BUILDING. A portion of the principal building or a detached structure on the same lot which is used for an accessory use.

ACCESSORY USE. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

ADDITION. A physical enlargement of an existing structure.

ADJOINING LOT OR LAND. A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

ADULT USE RELATED TERMS.

(a) ***ADULT USES.*** Adult uses include adult bookstores, adult motion picture theaters, adult massage parlors, adult steam room/boathouse/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 are not included.

1. *Specified Anatomical Areas:*

- a. Less than completely 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, bestiality, 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.

(b) **ADULT USE - 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.

(c) **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:

1. *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.”

2. *Adult Use - Bookstore.* A building or portion of a building used for barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, compact discs, computer software, digital recordings, motion picture film, or other communication mediums 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.”

3. *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.”

4. *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.”

5. *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.”

6. *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.”

7. *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.”

8. *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.”

9. *Adult Use - Mini-Motion Picture Theater.* A building or portion of a building with a capacity for less than 50 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.

10. *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.

11. *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.”

12. *Adult Use - Motion Picture Theater.* A building or portion of a building with a capacity of fifty (50) 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 anatomical areas” for observation by patrons therein.

13. *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.

14. *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.”

15. *Adult Use - Steam Room/Bathhouse Facility.* A building or a 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.”

AGRICULTURAL BUILDING. An accessory building designed, constructed, used to house farm implements or agriculture areas on agricultural lands as defined by State Statute 273.12, Section 23, as amended. A Minnesota Pollution Control Agency Permit may be required.

AGRICULTURE. The use of land for the production, keeping or maintenance, for sale, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agricultural land uses do not include slaughter houses or the processing of crops, produce, animals for public purchase or consumption as to constitute a commercial or industrial land use.

AIRPORT. A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

AIRPORT, PRIVATE USE. Airports which are intended for use by certain individuals or associations and not to the public.

ANIMAL UNIT. A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this chapter, the following multiplication factors shall apply. For animals not listed, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Animal	Animal Unit
Dairy Cattle	
Mature Cow (1,000 pounds or over)	1.4
Mature Cow (Under 1,000 pounds)	1.0
Heifer	.7
Calf	.2
Beef Cattle	
Slaughter Steer or Stock Cow	1.0
Feeder Cattle or Heifer	.7
Cow and Calf Pair	1.2
Calf	.2
Swine	
Over 300 pounds	0.4
Between 55 and 300 pounds	0.3

Under 55 pounds	0.05
Horse	1.0
Sheep or Lamb	.1
Chicken (Liquid Manure System)	.0333
Chicken (Dry Manure System)	
5 pounds or over	.005
Less than 5 pounds	.003
Turkey	
5 pounds or over	.018
Less than 5 pounds	.005
Duck	.01

ANIMALS, DOMESTIC. Any animal commonly accepted as a domesticated household pet. Unless otherwise defined, such animals shall include dogs, cats, caged birds including pigeons, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

ANIMALS, FARM. Any animal commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (excluding Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

ANTENNA RELATED.

(a) *Personal Wireless Service.* A device consisting of a metal, carbon, fiber, or other electromagnetically conductive rods or elements on a single supporting pole or other structure, and used for the transmission and reception of wireless communications including cellular, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services.

(b) *Public or Commercial Radio and Television, Broadcast Transmitting.* A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming and including the support structure thereof.

(c) *Public Utility Microwave.* A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the support structure thereof.

(d) *Radio and Television Receiving.* A wire, set of wires, metal or carbon fiber element(s) other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the support structure thereof.

(e) *Satellite Dish.* A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television receive only) and satellite microwave antennas and support structure thereof.

(f) *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.

(g) *Short-Wave Radio Transmitting and Receiving.* A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave and citizen band radio communications, and including the supporting structure thereof.

(h) *Secondary Use.* A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.

(i) *Structure, Public.* An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned or rented, and operated by a federal, state, or local government agency.

(j) *Support Structure.* Any building or other structure other than a tower which can be used for location of antennas.

(k) *Tower.* Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

(l) *Tower, Temporary Mobile.* Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, which is commonly referred to as Cellular on Wheels (COW).

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

APPLICANT. The person(s) whose name(s) are on an application as owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Ordinance are being considered or reviewed.

BASE MAP. A map having sufficient points or reference, such as state, county or municipal boundary lines, streets, easements, and other selected physical features to allow the plotting of other data.

BASEMENT. That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling for more than 50% of its perimeter.

BATCH PLANT. A temporary facility/device that produces or processes concrete or asphalt for a specified construction project over a defined period of time.

BAY. A part of a building projecting or cantilevered from the main part.

BEVERAGE PRODUCTION AND BOTTLING. A facility for the production and bottling of beverages including but not limited to soft drinks, milk, beer, wine, spirits, etc., but not including hazardous or toxic materials.

BLUFF. A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- (a) Part of all of the feature is located in a shoreland area.
- (b) The slope rises at least twenty-five (25) feet above the ordinary high water level of the water body.
- (c) The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater.
- (d) The slope must drain toward the water body.

BLUFF IMPACT ZONE. A bluff and land located within twenty (20) feet from the top of a bluff.

BLUFF, TOE OF: The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

BLUFF, TOP OF: The highest point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

BOARDER. An individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

BOARDING HOUSE. A building other than a hotel where, for compensation and by pre-arrangement 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.

BOATHOUSE. A structure used solely for the storage of boats or boating equipment.

BREW PUB. A restaurant that conducts the retail sale of malt liquor brewed on the premise and licensed under Minnesota Statute section 340A.301, subdivision 6(d). Areas used exclusively for brewing operations shall not exceed 25 percent of the total floor area. Included within this use is the off-sale of malt liquor produced on site in refillable growlers pursuant to Minnesota Statutes section 340A.301, subdivision 7(b).

BREWER TAPROOM. Facility on the premises of, or adjacent to, a malt liquor beverage production facility / brewery intended for the on-sale and consumption of malt liquor produced by the brewer pursuant to Minnesota Statute section 340A.301, subdivision 6b. A brewer taproom may include a restaurant.

BUFFER. The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.

BUFFER YARD. A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

BUILDABLE AREA. The portion of a lot remaining after yards have been provided.

BUILDABLE LAND, CONTIGUOUS. Land area occurring within the property lines of a parcel or lot excluding wetlands and/or water bodies.

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING COVERAGE. The horizontal area measured within the outside of the exterior walls and supporting columns of the ground floor of all principal and accessory buildings on a lot.

BUILDING HEIGHT. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

(a) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.

(b) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

BUILDING, POLE. Any structure possessing the following characteristics: structural wood poles or timbers buried in ground without footings or with individual footings; metal wall coverings hung in a manner that the wall coverings provide structural support for the wood frame. Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utilities, or any other similar structure not covering or enclosing a specific area.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which it is located.

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

CANOPY. An accessory roof-like structure, which is either attached to or detached from an allowable primary building; which is open on all sides, other than where attached; and, which is located over and designed to provide cover for entrances, exits, walkways, and approved off-street vehicle service areas.

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

CITY COUNCIL. The governing body for the City of Lino Lakes.

CLUB OR LODGE. A club or lodge is a non-profit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services, including, but not limited to:

(a) *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.

(b) *Automobile Repair-Minor.* An establishment providing goods or services related to automobiles such as car washes, repair businesses limited to minor engine repair, fluid changing, tire service and muffler repair and other uses of similar character, but not including uses defined as a major automobile business or automobile sales.

(c) *Automobile Sales.* The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers or recreational vehicles including any major or minor automobile repair or service uses conducted as an accessory use.

(d) *Automobile Service Station.* Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

(e) *Hospitality Business.* An establishment offering transient lodging accommodations on a daily rate to the general public, leasable events, meeting or conference facilities and exhibition halls or other uses of similar character including hotels, motels, convention facilities, and hospices.

(f) *Liquor Sales, Off-Sale.* Licensed sale of intoxicating beverages for consumption off site.

(g) *Liquor Sales, On-Sale.* Licensed sale of intoxicating beverages for consumption at the premises where the beverage is purchased.

(h) *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.

(i) *Office Business-Clinic.* An establishment located within a building or portion of a building providing out-patient health services to patrons, including general medical clinics, mental health providers, chiropractor, dentists, orthodontia, oral surgeons, opticians, and other uses of similar character.

(j) *Office Business-General.* An establishment located within a building or portion of a building for the conduct of business activities involving predominantly professional administrative or clerical service operations including attorneys, financial advisors, insurance, travel, real estate, and other uses of similar character.

(k) *Personal Service.* Personal services shall include the following: barber shops, beauty salon, electrolysis, manicurist, tanning parlor, physical therapy, therapeutic massage, tattooing and body piercing.

(Ord. No. 21-03, passed on 10-13-2003)

(l) *Recreational Business.* Arcade, health club, gymnasium, bowling alley, billiard (pool) hall, dance hall, dance studio, skating rinks, theaters, and indoor firearms range.

(m) *Restaurant.* An establishment that serves food in individual servings for consumption on or off premises, including sit-down restaurants, take out, pick up, or delivery food sales, but not including drive-through facilities. Outdoor dining areas and drive-through facilities may or may not be allowed in each zoning district: they are not automatically allowed when a restaurant is an allowable use.

(n) *Retail Business.* An establishment engaged in the display and sale of products produced off-site directly to consumers within a building or portion of a building excluding any exterior display and sales.

(o) *Service Business Off-Site.* A company that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the service is provided at the customer's location, including delivery services, catering services, plumbing and sewer services, and other uses of similar character.

(p) *Service Business On-Site.* An establishment that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as banks (not including drive-through facilities), copy centers, laundromats, dry cleaners, funeral homes and mortuaries, appliance repair, tailor shops, and travel bureaus.

COMMUNITY GARDEN. A facility on public land for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

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.

CONDITIONAL USE. A land use or development that may not be appropriate generally within a certain district but may be allowed in that district with appropriate restrictions, conditions or limitations as imposed by the City Council

CONDITIONAL USE PERMIT. A permit issued by the City Council in accordance with the procedures specified within this Ordinance as a device to enable the City Council to assign conditions to a proposed use or development after consideration of the adjacent land uses and the special characteristics which the proposed use presents.

CONDOMINIUM. A multiple family dwelling or development 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 sections 515.01 through 515.29.

CONDOMINIUM ASSOCIATION. The community association that administers and maintains the common property and common elements of a condominium.

CONSTRUCTION. The erection, alteration or extension of a structure.

COOPERATIVE HOUSING. A multiple family dwelling owned and maintained by the residents and subject to the provisions of Minnesota Statutes 290.09 and 290.13. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

CRITICAL AREA. An area with one or more of the following characteristics: (1) slopes in excess of twenty (20) percent; (2) floodplain; (3) soils classified as having a high water table; (4) soils classified as highly erodible, subject to erosion; (5) land incapable of meeting percolation requirements; (6) land formerly used for landfill operations or hazardous industrial use; (7) fault areas; (8) stream corridors; (9) estuaries; (10) mature strands of native vegetation; (11) aquifer recharge and discharge areas.

CRITICAL ROOT ZONE (CRZ). An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter, e.g., a twenty (20) inch diameter tree has a CRZ with a radius of twenty (20) feet.

CUL-DE-SAC. (See Street)

DAY CARE FACILITY. Any facility licensed by the State Department of Public Welfare, public or private, which for gain or otherwise regularly provides one or more 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. Horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending above grade.

DENSITY. The number of families, individuals, dwelling units, or housing structures per unit of land. In this Ordinance, net density shall mean number of dwelling units per acre of buildable land. Gross density shall mean number of units per acre of the total subject property.

DETACHED GARAGE. A one-story accessory building used or intended for the storage of motor driven passenger vehicles.

DETACHED OUTDOOR LIVING AREA. A flat surfaced seasonal outdoor room intended for casual human use which may be screened but may not have permanent structural walls or be covered by a permanent roof.

DEVELOPMENT. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

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.

DOCK (BOAT LAUNCH). A structure accessory to the principal use of the property which extends into navigable waters and used for the launching, landing or mooring of watercraft.

DORMITORY. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

DRAINAGE. The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

DRAINAGE SYSTEM. Any natural or artificial feature or structure used for the conveyance, drainage, or storage of surface and/or underground water, including, but not limited to, streams, rivers, creeks, ditches, channels, conduits, gullies, ravines, washes, lakes or ponds and structures such as culverts, drainage tile, dams, bridges and water storage basins.

DRAINAGEWAY. Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

DRIP LINE. The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree or one (1) foot per one (1) inch of diameter, whichever is greater.

DRIVE-THROUGH FACILITIES. A physical facility that permits customers to receive services or obtain goods while remaining in their motor vehicles. Examples include but are not limited to bank and fast food restaurant drive-through facilities.

DRIVEWAY. A private roadway providing access for vehicles to a parking space, garage, dwelling or other structures.

DWELLING. A structure or portion thereof which is used exclusively for human habitation.

DWELLING, EFFICIENCY. A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

DWELLING, MULTIPLE-FAMILY. A structure containing more than two dwelling units.

DWELLING, SINGLE FAMILY DETACHED. A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

DWELLING, TOWNHOUSE. A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

DWELLING, TWO-FAMILY. A structure containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ELDERLY (SENIOR CITIZEN) HOUSING. A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over sixty (60) years of age.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water or sewer 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 and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Personal wireless service and commercial broadcasting antennas and towers shall not be considered an essential service.

EXISTING USE. The use of a lot or structure at the time of the enactment of a zoning ordinance.

EXTERIOR STORAGE/STORAGE YARDS. An outside area where equipment, vehicles, trailers, or material relating to the principal use of a parcel of land is stored. This includes semi-trucks and trailers. The stored items are not for sale or display but are used in the everyday operation of the principal use. Also referred to as “outdoor storage.” Outdoor sales lots are not outdoor storage but are distinct uses regulated by this ordinance.

EXTRACTIVE USE. The use of the 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.

FAMILY. An individual or two (2) or more persons related by blood or marriage or of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

FARM. Real property used for commercial agriculture or horticulture.

FEEDLOT. A confined area or structure used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate but not including barns, pens or other structures used in a dairy farm operation.

FENCE. A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.

FENCE, BOUNDARY LINE. All fences located within one (1) foot of a property line.

FENCE, INTERIOR YARD. All fences located five (5) feet beyond a property line.

FILTER STRIP. A linear strip of land along a lake, wetland, river, creek, or stormwater ponding area where vegetation is established and maintained as a means to slow the velocity of stormwater drainage and to filter sediment and pollutants from the stormwater.

FILLING. The act of depositing any rock, soil, gravel, sand or other material on a site.

FLOOD. A temporary rise in a stream flow or stage which results in inundation of the areas adjacent to the channel.

FLOOD FRINGE. That portion of the floodplain outside of the floodway.

FLOODPLAIN. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

FLOOD PROFILE. A graph or a longitudinal plot of water surface elevation of a flood event along a reach of a stream or river.

FLOODWAY. The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

FLOOR AREA, NET. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FOOTPRINT. The horizontal area measured within the outside of the exterior walls and supporting columns of the ground floor of a building or structure.

GARAGE. A deck building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

GARAGE, PUBLIC. A garage other than a private garage, used for the housing or care of motor vehicles, or where such vehicles are equipped for operation repairs, or kept for remuneration, hire or sale.

GARAGE, STORAGE. Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements, not to transients, where no equipment, parts, fuel, grease or oil are sold and vehicles are not equipped, serviced, repaired, hired or sold.

GAZEBO. A freestanding accessory structure or pavilion from which views of surrounding scenery are commonly offered. Such structures are characterized by partly open construction, design symmetry, and the use of ornamental architectural features.

GOLF COURSE. An outdoor facility with at least nine holes for playing golf and that may include accessory facilities and uses that serve the golfers such as a clubhouse, driving range, pro shop, restaurants or other food and beverage services with or without outdoor dining/seating, maintenance buildings, cart storage, shelters, lockers and showers. This definition includes outdoor driving ranges but does not include miniature golf courses. On-sale liquor sales may be an accessory use at a golf course provided the license required by Chapter 700 of the City Code is obtained and current.

GOLF COURSE, MINIATURE: A facility for playing a novelty, small version of golf played with a putter, typically comprised of miniature putting greens with artificial playing surfaces and obstacles such as bridges and tunnels.

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 property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

GRADING PLAN. Existing topography and proposed finished grades with a contour interval of no greater than two (2) feet clearly indicating the relationship of proposed changes to existing topography and remaining features.

GREENHOUSE/NURSERY, COMMERCIAL. An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance. (A greenhouse/nursery that does not conduct retail or wholesale is considered horticulture.)

GREENWAY. Land shown in the Comprehensive Plan that is intended to:

- (a) Preserve contiguous open space to define neighborhoods.
- (b) Preserve ecologic features and function of unique environmentally sensitive areas.
- (c) Protect a diversity of natural features and habitat.
- (d) Provide for passive recreational trail opportunities.

HARDSHIP. The same as that term is defined in Minnesota Statutes, Chapter 462.

HAZARDOUS WASTE. Any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semi-solid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:

- (a) Cause or significantly contribute to an increase in mortality or an increase in serious or irreversible, or incapacitating reversible illness, or
- (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, or transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammable, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

HISTORIC SITE. Structure or area of land or water of historic, archaeological, paleontological or architectural value which has been designated as an historic site in the Federal Register of historical landmarks, the Minnesota Historical Society, or by a local governmental unit.

HOME EXTENDED BUSINESS. A business conducted as part of a residential use which is beyond the limits and scope of activities for home occupations as defined by this subdivision.

HOME OCCUPATION. Any activity by a resident carried out for business purposes and which activity is clearly incidental and secondary to the residential use of the premises, and which activity does not change the residential character thereof.

HOMEOWNERS ASSOCIATION. A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

HORTICULTURE. The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod. Horticulture is a type of agricultural use.

HOUSEBOAT. A watercraft vessel having a super structure resembling a house, usually moored, designed and used as a dwelling.

IMPERVIOUS SURFACE. An artificial or natural surface through which water, air or roots cannot penetrate.

INDIVIDUAL SEWAGE TREATMENT SYSTEM OR INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Individual sewage treatment system includes holding tanks and privies (per Minnesota Rules 7080).

INDUSTRIAL PARK. A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

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 said use.

IRRIGATION SYSTEM. Any structure or equipment, mechanized or other, used to supply water for landscaping, vegetation, commercial agriculture or horticulture, including, but not limited to, wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.

JUNK YARD. Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other type of junk.

KENNEL, COMMERCIAL. Any structure or premises on which dogs are kept for the business of boarding for a fee, for the business of breeding for sale or other profit-making purpose, and not solely for private enjoyment.

KENNEL, PRIVATE. Any structure or premises on which 4 (four) dogs, over six months of age, are kept for private enjoyment and not for monetary gain.

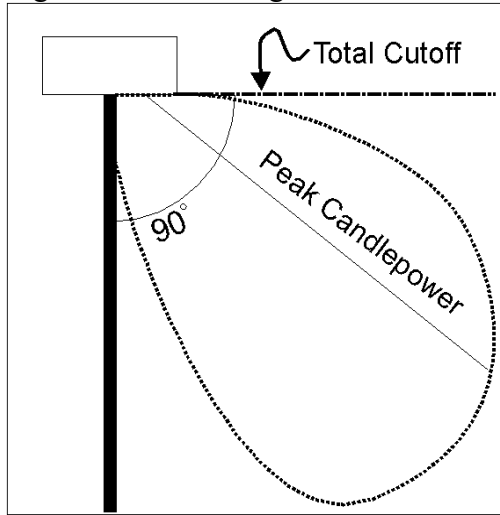
LAND RECLAMATION. The process of the re-establishment of, acceptable topography (i.e., slopes), vegetative cover, soil stability, and the establishment of safe conditions appropriate to the subsequent use of the land.

LIGHTING RELATED:

(a) *Cutoff.* The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.

(b) *Cutoff Angle.* The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted (see Figure 1).

Figure 1. Cutoff Angle



(c) *Cutoff Type Luminaire.* A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

(d) *Flashing Light.* A light source which is not constant in intensity or color at all times while in use.

(e) *Foot candle.* A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

(f) *Light Source.* A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

(g) *Luminaire.* A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

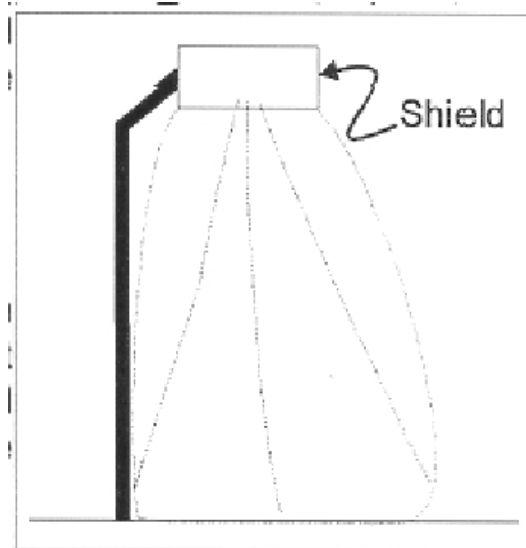
(h) *Outdoor Lighting.* Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on freestanding poles.

(i) *Outdoor Light Fixture.* Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for:

1. Buildings and structures.
2. Recreational areas.
3. Parking lot lighting.
4. Landscaping lighting.
5. Signs.
6. Street lighting.
7. Product display area lighting.
8. Building overhangs and open canopies.

(j) *Security Lighting.* Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

Figure 2 – Shielding



(k) *Shielding.* A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture (see Figure 2).

(l) *Spillage.* Any reflection, glare or other artificial light that emits onto any adjoining property or right-of-way and is above a defined maximum illumination.

LOT, LOT OF RECORD. A contiguous parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, that has one legal description and parcel identification number recorded with the Anoka County Property Records Department. Also referred to as a “parcel.”

LOT AREA. The total area within the lot lines of a lot measured in a horizontal plane.

LOT, BASE. Lots meeting all the specifications in the zoning district prior to being subdivided into a two family dwelling or townhome 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 mean horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

LOT, DOUBLE FRONTAGE. A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot.

LOT, FLAG. A lot that has access to a public street via a narrow strip but does not have the full required frontage on a public street.

LOT FRONTAGE. The narrowest lot boundary abutting a public street that meets minimum lot width requirements. If none of the boundaries abutting a public street meet minimum lot width requirements, then the lot frontage is the widest boundary abutting a street.

LOT, INTERIOR. A lot, other than corner lot, including through lots.

LOT LINE. A property boundary line of any lot held in single or separate ownership except that where any position 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, FRONT. The lot line separating a lot from the street right-of-way along the lot frontage.

LOT LINE, REAR. The lot line opposite and most distant from the lot frontage which connects the side lot lines. For the purposes of this Ordinance, the rear lot line of a triangular lot shall be a line entirely within the lot at least ten (10) feet long and parallel to and most distance point from the front lot line. If the front lot line on such a lot is curved, the rear lot line shall be parallel to a line tangent to the front lot line.

LOT LINE, SIDE. Lot lines extending away from the lot frontage, which connects the front and rear lot lines.

LOT, THROUGH. A lot fronting on two parallel streets.

LOT, TRIANGULAR. A lot in which the side lot lines converge into a single vertex. The vertex shall be deemed to be the rear lot line.

LOT, UNIT. Lots created from the subdivisions of a two family dwelling or townhome having different minimum lot size requirements than the conventional base lots within the zoning district.

LOT WIDTH. The horizontal distance between the side lot line of a lot measured at the front building setback line and parallel to the front lot line. If the front lot line is curved, such as on a cul-de-sac, the lot width is measured along a line parallel to a tangent to the front lot line.

MANUFACTURED HOME. A manufactured home means a structure, 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 side, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under Minnesota Statute 327 including the Manufactured Home Building Code adopted therein.

MANUFACTURED HOME SUBDIVISION. A subdivision designed and/or intended for the sale of lots for residential occupancy by manufactured homes.

MANUFACTURED HOME PARK. Any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any buildings or structures used or intended for use as part of the equipment of the manufactured home park.

MANUFACTURED HOME LOT. A plot of land for placement of a single manufactured home within a manufactured home park.

MINI SELF-STORAGE. An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household goods or personal belongings.

MOBILE HOMES. A single family detached dwelling unit or other structure designed for year around occupancy constructed at a factory or assembly plant and drawn to the site on a permanently attached undercarriage and wheels. Mobile homes should not include all types of manufactured homes as defined herein.

MODEL HOME. A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

MOTOR VEHICLE SALES LOT. The use of any building, land area, or other premises or portion thereof, for the display, sale, or lease of automobiles, trucks, vans, trailers, or recreational vehicles.

NON-CONFORMING USES. A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NUISANCE. Anything defined as a nuisance by Section 900 of the City Code.

NURSING HOME (REST HOME). A building having accommodations where care for pay is provided for two (2) or more invalids, infirm, aged or convalescent persons who are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.

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

ON-STREET PARKING SPACE. A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

OPEN AIR MARKET. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

OPEN SPACE. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

OPEN SPACE, PRIVATE. Common open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

OPEN SPACE, PUBLIC. Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

ORDINARY HIGH WATER LEVEL (OHWL). The boundary of public waters and wetlands as determined by the Minnesota Dept. of Natural Resources: an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

OUTDOOR STORAGE. See “exterior storage.”

PARCEL. A contiguous tract or area of land established by plat, subdivision, or as otherwise permitted by law, that has one legal description and parcel identification number recorded with the Anoka County Property Records Department. Also referred to as a “lot” or “lot of record.”

PARK, PRIVATE. A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.

PARK, PUBLIC. A tract of land publicly owned and used by the public for active and/or passive recreational purposes.

PARKING LOT. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

PARKING SPACE. A space for the parking of a motor vehicle within a public or private parking area.

PARTY WALL. A common shared wall between two (2) separate structures, buildings, or dwelling units.

PERMITTED USE. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSONAL SERVICE. Personal services shall include the following: barber shops, beauty salon, electrolysis, manicurist, tanning parlor, physical therapy, therapeutic massage, tattooing, and body piercing.

(Ord. No. 21-03, passed on 10-13-2003)

PLANNED UNIT DEVELOPMENT. An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and/or one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of non-residential uses to residential uses as shall be specified.

PLAY AND RECREATIONAL FACILITIES. Equipment customary and incidental to the principal use of the site intended for the enjoyment and convenience of the residents of the principal use and their occasional guests. Such facilities include swing sets, play sculptures, sand boxes, picnic tables, basketball standards, barbeque grills and the like.

PRINCIPAL USE. The primary or predominant use of any lot and/or building.

PUBLIC WATERS. As defined in Minnesota Statutes section 103G.005, subdivision 15:

(a) *Public Waters, General Development.* Those waters whose shores are generally characterized by medium density residential development with or without limited service-oriented commercial development.

(b) *Public Waters, Natural Environment.* Generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

(c) *Public Waters, Recreational Development.* Generally medium sized lakes of varying depths and shapes with a variety of landform, soil and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year round residences and recreational-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.

(d) *Public Waters, Tributary Rivers.* Segments consisting of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.

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

QUADRAMINIUM. A single structure which contains four (4) separately owned dwelling units, all of which have individually separate entrances from the exterior of the structure.

QUARTER-QUARTER SECTION. The northeast, northwest, southwest or southeast quarter of a quarter section delineated by the United States Government system of land survey and which is exactly or nearly forty (40) acres in size.

RECREATION AREA. An outdoor area which may include water bodies and incidental buildings thereto used or intended for active or passive recreation, including, but not limited to, parks, playground, hunting preserves, polo grounds, nature trails, bridle paths, beaches, campsites, ski and snowmobile trails, and canoe routes, provided that parcels on which there are located stadiums, arenas, bowling alleys, swimming pools, and other recreational activities conducted primarily in structures are not recreation areas.

RECREATIONAL VEHICLE. A vehicle designed and used for recreational purposes and enjoyment including, but not limited to, snowmobiles, motorized all terrain vehicles, boats, race cars, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

REGULATORY FLOOD PROTECTION ELEVATION. A point not less than one (1) foot above the elevation of the floodplain, plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

RELATIVE. Father, mother, brother, sister, son, daughter, son-in-law or daughter-in-law.

RESIDENTIAL FACILITY, STATE LICENSED. Any program, defined by Minnesota Statutes section 245A.02, subdivision 14, that provides twenty four (24) hour a day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside a person's own home, including a nursing home or hospital that receives public funds, administered by the commissioner of the Department of Human Services to provide services for

five (5) or more persons whose primary diagnosis is mental retardation or a related condition or mental illness and who do not have a significant physical or medical problem that necessitates nursing home care; a program in an intermediate care facility for four (4) or more persons with mental retardation or a related condition; a nursing home or hospital that was licensed by the commissioner of the Department of Human Services on July 1, 1987, to provide a program for persons with a physical handicap that is not the result of the normal aging process and considered to be a chronic condition; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under Minnesota Statutes 254B. Residential programs include home and community-based services for persons with mental retardation or a related condition that are provided in or outside of a person's own home.

RESTRICTIVE COVENANT. A restriction on the use of land usually set forth in the deed.

RETAINING WALL. A wall not laterally supported at the top that resists lateral soil load and other imposed loads.

SANITARY LAND FILL. A site used for solid waste disposal.

SCHOOL. Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge.

SCHOOL, PRIVATE. Any building or group of buildings the use of which meets state requirements for primary, secondary, or higher education and which use does not secure the major part of its funding of any governmental agency.

SETBACK. The minimum horizontal distance between a structure, individual sewage treatment system, or other facility, and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.

SETBACK LINE. That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

SHORELAND. Land located within the following distances from public waters: one thousand (1000) feet from the ordinary high water level of a lake, pond or flowage and three hundred (300) feet from a river or stream or the landward extent of a floodplain designated in Chapter 1102 of the City Code on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources.

SHORELAND IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

SIGN. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SIGN AREA. The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

SIGNIFICANT TREE. – See definition of Tree.

SPECIMEN TREE. – See definition of Tree.

SITE PLAN. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening device; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

SLOPE. The degree of deviation of a surface from the horizontal, usually, expressed in percent or degrees.

SOIL CONSERVATION PLAN. A description of the soils of the site and information on soil suitability. Also included shall be any remedial steps taken by the developer to render the soils suitable and any erosion and sedimentation controls indicating type and location of control measures. The plan should provide for the protection of soils during the construction process and/or the long-term occupancy of the site.

SPORT COURT. An outdoor facility that typically includes a paved playing surface for one or more sport activities such as, but not limited to, tennis, basketball, hockey, or volleyball.

STABLE, COMMERCIAL. The business of boarding horses for fee for persons not residing on the premises and may include instruction, exhibition and sale of horses. This shall include the raising and breeding of horses.

STEEP SLOPE. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

STORAGE BUILDING. A one-story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment, boats, snowmobiles, etc.

STORAGE, EXTERIOR OR OUTDOOR. See “exterior storage.”

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story.

STORY, FIRST. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

STREET. A right-of-way affording access by pedestrians and vehicles, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Private, ingress and egress easements shall not be considered streets.

STREET, CUL-DE-SAC. A local street, one end of which is closed and consists of a circular turn around.

STREET, COLLECTOR. A street which collects traffic from local streets and connects with minor and major arterials. See City’s Functional Classification System for Roadways contained in the Comprehensive Plan.

STREET, LOCAL. A street designed to provide vehicular access to abutting property and to discourage through traffic. See City’s Functional Classification System for Roadways contained in the Comprehensive Plan.

STREET, MINOR ARTERIAL. A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets. See City’s Functional Classification System for Roadways contained in the Comprehensive Plan.

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.

STRUCTURE ALTERATION. Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

SUBSTANTIAL IMPROVEMENT. Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or if the property has been damaged and is being restored, before the damage occurred.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above surface pool having a depth of more than thirty (30) inches designed, used and maintained for swimming and bathing.

TEMPORARY STRUCTURE. A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TERRACE. A raised flat area with sloping sides or sides held by retaining walls, unroofed and landscaped or surfaced.

TOOL SHED. A small one-story accessory building used or intended for the storage of hobby tools and garden equipment.

TOPOGRAPHY. The configuration of a surface area showing relative elevations.

TOWNHOUSE. A single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

TRAILER. A vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

TRANSIENT MERCHANT. Any individual person whose business in the city is temporary or seasonal and consists of selling and delivering merchandise within the city, and who in furtherance of the purpose uses or occupies any structure, vehicle or other place for the exhibition and sale of the merchandise.

TREE. Any of the following type of trees, as each is defined herein:

(a) *Coniferous Tree.* A woody plant which, at maturity, is at least twelve (12) feet or more in height, having foliage on the outermost portion of the branches year round.

(b) *Deciduous Tree.* A woody plant which, at maturity, is at least fifteen (15) feet or more in height, having a defined crown, and which sheds leaves annually.

(c) *Significant Tree.* A healthy tree measuring a minimum of six (6) inches in diameter for deciduous trees, or a minimum of twelve (12) feet in height for coniferous trees.

(d) *Significant Tree Stand.* A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of deciduous trees six (6) inches or larger in diameter or coniferous trees twelve (12) feet or higher in height.

(e) *Specimen Tree.* A healthy hardwood tree measuring equal to or greater than thirty (30) inches in diameter and/or a coniferous tree measuring fifty (50) feet or greater in height.

TREE CERTIFICATION. A certified inventory of trees on the site after work is complete listing all trees and their final disposition, which is signed by a licensed forester or landscape architect.

TREE PRESERVATION PLAN. A plan and inventory certified by a forester or landscape architect indicating all of the significant trees and their locations in the proposed development or on the lot. The tree preservation plan shall include the size, species, tag numbers, and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.

TRUCKING TERMINAL. Land or buildings used primarily as a relay station for the transfer of freight from one vehicle to another or one party to another rather than permanent or long term storage. The terminal facility might include storage areas for trucks and buildings for truck maintenance and repair.

VARIANCE. A modification of the strict provisions of this Ordinance as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship imposed upon the property by this Ordinance. A variance shall normally be limited to height, density and yard requirements. A modification in the allowable uses within a district shall not be considered a variance.

VETERINARY HOSPITAL. A place for the treatment, hospitalization, surgery, care and boarding of animals and birds, under the direction of one or more licensed veterinarians.

WADING POOL. An above-ground or in-ground structure containing less than eighteen (18) inches of water.

WAREHOUSE. A building used for warehousing.

WAREHOUSING AND DISTRIBUTION. The storage, wholesaling, or distribution of manufactured products, supplies, and equipment.

WATERBODY OR WATERCOURSE. Any natural or man-made passageway on the surface of the earth so situated and having such a topographical nature that surface water stands or flows through it from other areas. The term includes ponding areas, drainage channels, swales, waterways, creeks, rivers, lakes, streams, wetland areas, and any other open surface water flow which is the result of storm water or ground water discharge. This term does not include man-made piping systems commonly referred to as storm sewers.

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

WETLANDS. An area where water stands near, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation, and which may have the following characteristics:

(a) Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrub land, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 6, 7, and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S. 1956".)

(b) Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and mulch).

(c) Soil which is water logged or covered with water at least three (3) months of the year.

(d) Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and such property, may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage, but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to preeminently terrestrial.

YARD. An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.

YARD, FRONT. An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE. A yard on each side of the building between the building and the side line of the lot and extending from the front yard to the rear yard.

ZERO LOT LINE. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING ADMINISTRATOR. The Community Development Director, who is charged with the administration and enforcement of this Ordinance.