

SECTION 507 – ZONING: PURPOSE AND DEFINITIONS

	<u>PAGE #</u>
507.01 Title	507-1
507.03 Purpose	507-1
507.05 Rules of construction	507-1
507.07 Definitions	507-2

SECTION 507 – ZONING: PURPOSE AND DEFINITIONS
(ADDED, BILL NO. 2007-19)

507.01. Title. Sections 507 to 551 contain the zoning code (or zoning ordinance) of the City of Richfield. In Sections 507 to 551, the zoning code is referred to as “this code”. The city code of ordinances is referred to as “the city code”.

507.03. Purpose. The purpose of the zoning code is to protect and promote the public health, safety, comfort, aesthetics, economic viability, and general welfare of the city, and specifically to achieve the following objectives:

- a) To assist in the implementation of the city’s comprehensive plan;
- b) To foster a harmonious and workable relationship among land uses;
- c) To promote the stability of existing land uses which conform to the comprehensive plan, and to protect them from inharmonious influences and harmful intrusions;
- d) To promote the city’s great interest in protecting and preserving the quality of its neighborhoods and commercial districts, as well as the quality of urban life, by regulating uses that have adverse impacts or negative secondary effects on the quality of neighborhoods, commercial districts, or the quality of urban life;
- e) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole;
- f) To foster the provision of adequate light, air, space, bulk, and density;
- g) To promote a safe and effective traffic circulation system;
- h) To protect and enhance real property values; and
- i) To safeguard and enhance the physical appearance of the city.

507.05. Rules of construction. In the construction of this code, the following rules shall be observed and applied, except where the context clearly indicates otherwise:

- a) The present tense shall include the past and future tenses;
- b) Words in the singular shall include the plural, and the plural shall include the singular;
- c) The word “shall” is mandatory, and the word “may” is permissive;

- d) The phrase “used for” shall include the phrases “designed for,” “intended for,” “improved for,” “maintained for,” “offered for,” and “occupied for”;
- e) The phrase “residential parcel” shall mean any residentially zoned or used property, including planned unit development districts which contain residential dwelling units; and
- f) If a conflict arises between the graphic illustrations presented in this code and the text of this code, the text shall prevail.

507.07. Definitions. Subdivision 1. For the purpose of this code, the following words and terms shall have the meanings stated:

Subd. 2. “Abutting” - Having a common border with, or being separated from such common border by an alley.

Subd. 3. “Alley” – A public or private way permanently reserved as a secondary means of access to abutting property.

Subd. 4. “Antenna” - Any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a support structure, pole, light standard, building or other structure for the purpose of providing personal wireless services and its attendant base station. For purposes of this Section, "antenna" does not include "dish antenna".

Subd. 5. “Apartment” – A self-contained dwelling unit with access via an internal hallway situated with similar units in a larger building that is not a condominium.

Subd. 6. “Arterial street” – The following are classified as arterial streets in Richfield: State Highway 62; I-35W; I-494; Minnesota Trunk Highway 77; 66th Street; 76th Street between Girard and Xerxes Avenues; Penn Avenue; Lyndale Avenue; Nicollet Avenue; Portland Avenue; Cedar Avenue between 66th and 77th Streets; 77th Street between I-35W and Trunk Highway 77, and Xerxes Avenue between 62nd and 66th Streets.

Subd. 7. “Auto body repair shop” - A business engaged in automobile refinishing, including paint and body work.

Subd. 8. “Auto detailing business” - A business engaged in automobile painting, customization and cosmetic enhancement.

Subd. 9. “Auto mechanical shop” - A business engaged in automobile servicing, maintenance, or mechanical repair, including both minor work and major engine overhauling.

Subd. 10. “Bed and breakfast inn” - An owner-occupied dwelling unit containing no more than two guest rooms where lodging with or without meals is provided for compensation.

Subd. 11. “Buffer” - The use of distance, fences, berms and/or plantings to provide visual separation of one property from another. (Figure 1)

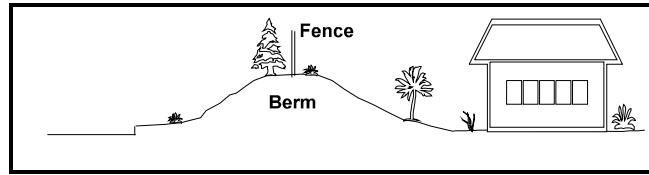


Figure 1

Subd. 12. “Building, accessory” - A subordinate structure detached from but located on the same lot as the principal building, the use of which is clearly associated with and incidental to the use of the principal building.

Subd. 13. “Building, principal” - A building in which is conducted the primary use of the lot upon which it is situated.

Subd. 14. “Building line, front” - A line extending out from the corner of the front of the building (the building face abutting the front yard) to intersect the side lot line (most often forming a 90-degree angle). Side and rear building lines are similarly defined as lines extending out from the corner of the side or rear of the building (the building face abutting the side or rear yard respectively) to intersect the front and rear or side lot lines, respectively.

Subd. 15. “Car wash” - A principal building used for the washing of motor vehicles.

Subd. 16. “Car wash, accessory” - An accessory building or accessory portion of a principal building containing facilities for the washing of no more than one motor vehicle at a time, and which is accessory to a service station or service station/convenience store.

Subd. 17. “Carport” - A roofed automobile shelter open on at least two sides, usually formed by extension of the roof from the side of a building.

Subd. 18. “Cemetery” - Land or structures used for burial or cremation of the dead (humans or animals), and related accessory uses.

Subd. 19. “City” - The City of Richfield.

Subd. 20. “Cluster home development” - A development of three or more detached single-family dwellings or a row, group or cluster of attached single-family dwellings on a single parcel. (Amended, Bill No. 1996-22)

- Subd. 21.** “Collector street” - The following are classified as collector streets in Richfield: 69th Street between Xerxes and Penn Avenues; 65th Street between Nicollet Avenue and Rae Drive; Rae Drive between 65th and 66th Streets; 70th Street between Lyndale Avenue and Diagonal Boulevard; 73rd Street between Lyndale Avenue and Diagonal Boulevard; Diagonal Boulevard; 76th Street between Girard and Cedar Avenues; 12th Avenue between 66th Street and I-494; and Bloomington Avenue between 62nd and 66th Streets.
- Subd. 22.** “Community-based residential care facility” - A facility which is similar to a licensed residential care facility, but is exempt from licensing requirements. The term includes facilities that provide supportive living in agreement with Hennepin County, and facilities that provide training, rehabilitation, or other support services.
- Subd. 23.** “Commercial use antenna or tower” - An antenna or tower erected for a personal wireless telecommunication service or for any other purpose other than for the private use and enjoyment of the owner of the tower or antenna and the premises upon which it is located, including amateur radio antennas and antennas receiving television signals for personal use.
- Subd. 24.** “Condominium” – An individually owned unit of real estate, especially an apartment, town house or office, in a building or on land that is owned in common by the owners of the units.
- Subd. 25.** “Convenience store” - A small store near a residential area that stocks food and general goods and is open all or most of the day and night.
- Subd. 26.** “Convenience food restaurant” - A commercial establishment that serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.
- Subd. 27.** “Coffee shop” – A commercial establishment that primarily sells brewed coffee on a retail basis.
- Subd. 28.** “Council” - The City Council of the City of Richfield.
- Subd. 29.** “Day care” - The care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24 hour day, including but not limited to the furnishing of shelter, sustenance, supervision, education or other supportive services but not including drug or alcohol rehabilitation services.
- Subd. 30.** “Day care, group family” - Day care that includes the children of the caregiver.
- Subd. 31.** “Director” - The Director of Community Development, unless specifically indicated otherwise.

Subd. 32. “Dish antenna” - A parabolic shaped antenna (including all supporting apparatus) which is used for transmitting or receiving telecommunication, television or radio signals, which is located on the exterior of, or outside of, any building or structure.

Subd. 33. “Driveway” - An area designed to provide ingress and egress for motor vehicles from the street to a garage or other authorized off-street parking area; the term does not include (i) a non-contiguous area exclusively set aside or used for the parking and storage of recreational vehicles and equipment, or (ii) parking lots.

Subd. 34. “Dwelling” - Any building or portion thereof used exclusively for residential occupancy, including single-family, two-family, and multi-family dwellings, but not including nursing homes, rest homes, or hotels.

Subd. 35. “Dwelling, attached” - A dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

Subd. 36. “Dwelling, detached” - A single dwelling which is not attached to another.

Subd. 37. “Dwelling, multi-family” - A residential building or portion thereof used for occupancy by three or more families living independently of each other.

Subd. 38. “Dwelling, single-family” - A residential building used for occupancy by one family.

Subd. 39. “Dwelling, townhouse” - A building used for occupancy by three or more families living independently of each other. Each dwelling unit is attached horizontally in a linear arrangement with private front and rear entrances at ground level and has a totally exposed front and rear wall to be used for entry, light, and ventilation. Dwelling units may be individually owned and an association fee may be paid for maintenance of yard and common areas.

Subd. 40. “Dwelling, twin home” - A residential building containing two dwelling units which are completely separate in every way except that they share a common wall (with no openings) which separate the units and act as the dividing lot line, where each unit is situated on its own parcel of land.

Subd. 41. “Dwelling, two-family” - A residential building used for occupancy by two families living independently of each other, where both units are situated on the same parcel of land.

Subd. 42. “Dwelling unit” - Residential accommodation including kitchen facilities, permanently installed, which are used for living quarters by one family.

Subd. 43. “Easement” - The right of a person, governmental agency, or public utility to use public or private land owned by another for a specific purpose.

Subd. 44. “Emergency shelter” - A facility operated by a non-profit, charitable, or religious organization which provides temporary housing for one or more persons who are otherwise homeless.

Subd. 45. “Family” – A person living alone or any of the following groups, provided that the members of the group live together as a single housekeeping unit and do not exceed the maximum occupancy limits under chapter 4 of the city code:

- (i) An individual plus one (1) or more persons related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit; or
- (ii) Two unrelated people and any children related to either of them; or
- (iii) One or more persons occupying a premises, subject to a limit of not more than three (3) unrelated persons eighteen (18) years of age or older.

The definition of family is established for the purpose of preserving the character of residential neighborhoods by controlling population density, noise, disturbance and traffic congestion and shall not be applied so as to prevent the city from making reasonable accommodation where the city determines it necessary under applicable federal fair housing laws.

Subd. 46. “Firearms-Related Uses” - uses operated by a private person or entity that involve the discharge of a firearm, including but not limited to shooting galleries, firing ranges, and fire-arms safety training centers. (Added, Bill No. 2004-5)

Subd. 47. “Floor area, gross” - The sum total of the gross horizontal area of the several floors of a building or buildings, as measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. Gross floor area (GFA) shall include halls, lobbies, elevator shafts and stairways at each floor, enclosed porches, enclosed balconies and enclosed mezzanines, below grade floor areas used for habitation, and floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet, except equipment, open or enclosed located on the roof, i.e., bulkheads, water tanks, and cooling towers. Gross floor area does not include open terraces, open patios, open atriums, open balconies, carports, private garages, parking structures, breeze-ways, tool sheds, special purpose areas for common use of occupants such as recreation rooms, social halls, staff space for therapy or examination in in-care housing, basement space used only for storage purposes, and attics not used for human habitation.

(Figure 2)

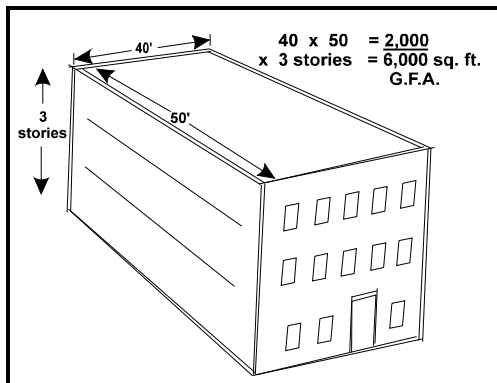


Figure 2

Subd. 48. “Floor area ratio (FAR)” - The gross floor area of all buildings on a lot divided by the lot area. (Figure 3)

Subd. 49. “Garage”- An accessory building or accessory portion of the principal building for the private use of the owner or occupant of the principal building, primarily for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature. The garage shall have a concrete floor and an access door of sufficient size to accommodate a motor vehicle.
(Amended, Bill No. 1999-3)

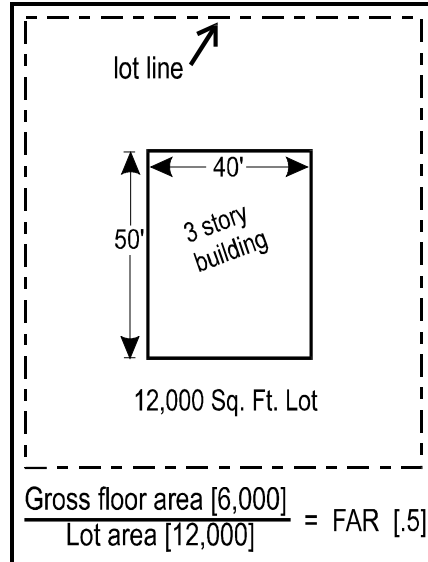


Figure 3

Subd. 50. “Gazebo” – A detached accessory building that is used for the social or recreational shelter of people and is not used as living quarters.

Subd. 51. “Group housing development” - A development located on a single lot that consists of two or more buildings, each of which contains three or more dwelling units.

Subd. 52. “Greenhouse” - A glass or transparent plastic structure, often on a metal or wooden frame, in which plants that need heat, light, and protection from the elements are grown.

Subd. 53. “Height of building” - The vertical distance to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs, as measured from the average elevation of the lot adjoining the front building line. (Figure 4)

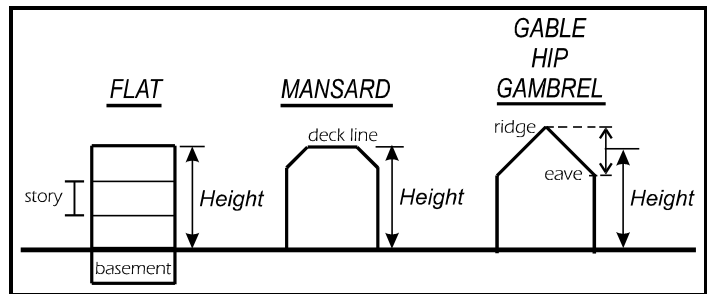


Figure 4

Subd. 54. “Hotel or Motel” - A facility containing six or more guest rooms where lodging is offered for compensation and which may provide supportive services such as restaurants, meeting rooms, and recreational facilities.

Subd. 55. “Home occupation” – Any gainful occupation or profession compensated in monetary payment or in kind, engaged in within a dwelling unit on the premises by an occupant of the dwelling unit as a use that is clearly incidental to the principal use of the dwelling unit for residential purposes that does not change the residential character of the lot, the structures thereon or affect the character of the neighborhood.

Subd. 56. “Housing with services establishment” - An establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and providing for a fee one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment.

This does not include a nursing home licensed under M.S. Chapter 144A; a hospital, certified boarding care home, or supervised living facility licensed under M.S. Chapter 144.50 to 144.56; a board and lodging establishment licensed under M.S. 157; a family adult foster care home licensed by the Department of Human Services; private homes in which the residents are related by kinship, law, or affinity with the providers of services; residential settings for persons with mental retardation or related conditions in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140; a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent; or services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts 9525.2000 to 9525.2140.

Subd. 57. “Impervious surface” - A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures. (Figure 5)

Subd. 58. “Junk yard” - Land or building where waste material, or inoperative vehicles or other machinery are collected, stored, salvaged, dismantled, wrecked, or sold, other than the storage of materials which is incidental to a business or industrial use on the same lot if approved by the city.

Subd. 59. “Landscaping” – Decorative or protective vegetation planted by humans according to a design, including site grading and retaining walls.

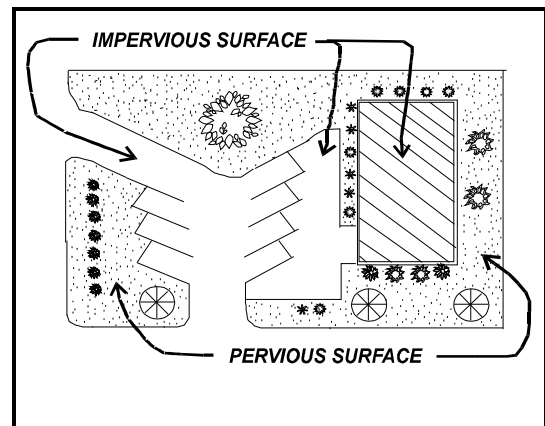


Figure 5

Subd. 60. “Light manufacturing” - A use engaged in the manufacturing of finished products or parts, predominantly from previously prepared materials.

Subd. 61. "Live – work units" - A personal residence that is specifically designed and located to allow accessory business use by the occupants of the residence. This may include office and service uses and retail sales of products produced on-site (art, crafts, etc.).

Subd. 62. “Lot area” - The total horizontal area bounded by the front, side, and rear lot lines. With respect to planned unit developments only, lot area includes the site plus one-half of the area of abutting streets and alleys.

Subd. 63. “Lot, corner” - A lot abutting and at the intersection of two or more streets. (Figure 6)

Subd. 64. “Lot coverage” - The total ground area covered by buildings on a lot, excluding uncovered swimming pools, uncovered porches, or uncovered ground level landings.

Subd. 65. “Lot depth” - The average horizontal distance between the front and rear lot lines. (Figure 7)

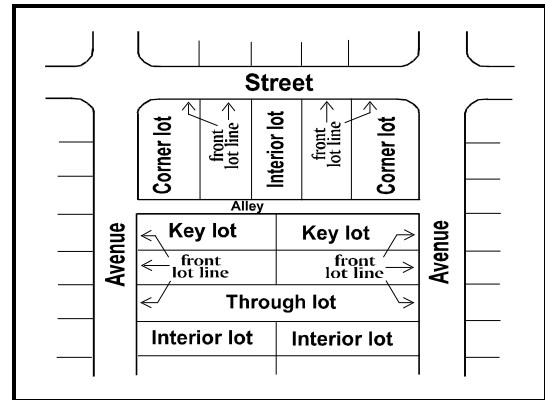


Figure 6

Subd. 66. “Lot, interior” - A lot other than a corner lot. (Figure 6)

Subd. 67. “Lot, key” - The first lot to the rear of a corner lot, the front lot line of which is substantially a continuation of the street side lot line of the corner lot, regardless of the presence of any alley or easement. (Figure 6)

Subd. 68. “Lot, through” – An interior lot abutting on two or more streets. (Figure 6).

Subd. 69. “Lot line” - A line which divides one lot from another or from a street or alley.

Subd. 70. “Lot line, front” - On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street (or as otherwise designated by the Building Official); or, on a through lot, the lot lines abutting the streets. (Figure 7)

Subd. 71. “Lot line, rear” - The lot line which is most distant from and parallel, or approximately parallel to the front lot line. Where the rear lot line is less than ten feet in length, or where the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet long lying within the lot, connecting the side lot lines and parallel or approximately parallel to the front lot line. (Figure 7)

Subd. 72. “Lot line, side” - Any lot line that is not a front or rear lot line. An “interior” side lot line is a side lot line which abuts another lot or an alley. A street or corner side lot line is a side lot line that abuts a public street. (Figure 7)

Subd. 73. “Lot of record” - A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

Subd. 74. “Lot width” - The horizontal distance between the two side lot lines, as measured at the front lot line. (Figure 7)

Subd. 75. “Manufactured home” - A dwelling structure that is transportable in one or more sections and is built on a permanent chassis.

Subd. 76. “Motel” - (See Hotel or Motel)

Subd. 77. “Nonconforming building” - Any building that does not meet the requirements on building size, height, or location on a lot for the district in which such building is located, but which complied with applicable requirements at the time it was established.

Subd. 78. “Nonconforming use” - A use of land that does not comply with the use regulations for its district, but which complied with the use regulations at the time the use was established.

Subd. 79. ”Office” - A place of employment providing professional, administrative, educational, business or governmental services other than production, distribution, sale or repair of goods or commodities.

Subd. 80. “Open space, Outdoor” - Lawns and other natural areas and open courtyards. Open space does not include driveways, parking areas or sidewalks.

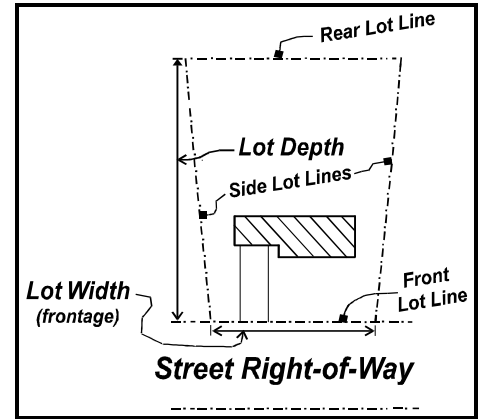


Figure 7

Subd. 81. “Open space, Usable” - Specifically designated open space that is easily accessible and intended to serve residents and/or employees as well as visitors. This encompasses various types of open space for passive enjoyment as well as active use and includes accessible green areas and hard-surfaced urban plazas, linear pedestrian-oriented greenways, major pedestrian areas, pocket parks and outdoor recreation areas. Usable open space does not include driveways, parking areas or required landscape setback areas, unless these are specifically designed for public or customer access and use.

Subd. 82. “Overlay or design district” – An additional layer of zoning requirements that are placed on a geographic area but that do not change the underlying district.

Subd. 83. “Parking lot (area)” - An authorized area not within a building where motor vehicles are stored for the purpose of temporary, daily, or overnight off-street parking.

Subd. 84. “Parking structure” - A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Subd. 85. “Pawn business” - A commercial enterprise that loans money on the security of personal property, which may be sold to repay the loan.

Subd. 86. “Personal wireless telecommunication service” - Licensed commercial wireless services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Subd. 87. “Pocket park” – A small park most often serving the immediate surrounding area.

Subd. 88. “Porches” - A sheltered entryway attached to a building and projecting from its main mass; may be open-sided or partially enclosed. (Added, Bill No. 1998-12)

Subd. 89. “Public utility” - Persons, corporation, or governments supplying gas, electric, transportation, water, sewer, or telecommunication service to the general public. Personal wireless telecommunication service facilities shall not be considered as public utilities.

Subd. 90. “Public utilities, major” – Public utility buildings with more than 500 square feet of gross floor area; electric sub-stations; or high voltage transmission lines.

Subd. 91. “Public utilities, minor” – Public utility buildings with 500 square feet or less of gross floor area; transformer boxes or similar utility features; or low voltage transmission lines.

Subd. 92. “Residential care facility, licensed” - Any group home, family foster home or other publicly supported out-of-home residential facility. Any place, building or institution offering some element of congregate care or service in which an individual lives or dwells on a regular basis and at least uses for sleeping; for maintaining personal clothing, papers, and other personal possessions; and as the designated mailing address.

This does not include a nursing home licensed under M.S. Chapter 144A; a hospital, certified boarding care home, or supervised living facility licensed under M.S. Chapter 144.50 to 144.56; a board and lodging establishment licensed under M.S. 157; a family adult foster care home licensed by the Department of Human Services; private homes in which the residents are related by kinship, law, or affinity with the providers of services; residential settings for persons with mental retardation or related conditions in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140; a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent; or services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts 9525.2000 to 9525.2140.

Subd. 93. “Restaurant - Class I” - Full Service Restaurant: restaurants where food and intoxicating beverages are served and consumed by customers while seated at a counter or table, and which may provide entertainment, either live or prerecorded.

Subd. 94. “Restaurant - Class II” - Traditional Restaurant: restaurants where food and non-intoxicating beverages are served and consumed while seated at a counter or table; Cafeteria Restaurant: restaurants where food and non-intoxicating beverages are selected by customers while passing through a service line and taken to a table for consumption.

Subd. 95. “Restaurant - Class III” - Fast Food or Convenience Restaurant: restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed; Drive-in Restaurant: restaurants where most customers consume their food on-site in a motor vehicle regardless of how it is served.

Subd. 96. “Restaurant - Class IV” - Take Out Only Restaurant: Establishments where food is usually ordered by telephone and prepared on the premises for consumption off the premises, with no seating or other area provided on the premises for consumption. The establishment may deliver food to the customer, or the customer may pick food up.

Subd. 97. “Retail Services, General” – General retail services are single use or multi-use commercial establishments that are reliant on a more localized market area for patronage and typically have less than 50,000 square feet of combined square footage but may have upwards of 100,000 square feet. General retail services include professional services such as barber shops, salons, real estate, finance (including banking) and insurance offices, general merchandise stores, hardware stores, small grocery stores, convenience stores, drug stores, coffee shops, gift or book shops, appliance and electronic repair shops, video stores, municipal liquor stores, business services (walk-in printing, copying), restaurants, contractors or home repair services, veterinary clinic without boarding, etc.

Subd. 98. “Retail Services, Neighborhood” – Neighborhood retail services are similar in use characteristics to general retail services; however, neighborhood services have a focus on convenience services that rely mostly on the immediate neighborhood for patronage. Their size is typically small, less than 10,000 square feet of contiguous space. Neighborhood services include convenience stores, coffee shops, cafes/restaurants, barber shops, salons, etc.

Subd. 99. “Retail Services, Regional” – Regional retail services are single use or multi-use commercial establishments that draw upon a broad geographic area for their primary market area. Regional commercial retail services include retail uses typically with greater than 50,000 square feet of combined retail square footage either in one single building or attached in a shopping center/mall-like structure. Regional retail services may include some general retailers that are ancillary to the primary use of the site. Examples of regional retail services include: specialty big box stores, discount retailers, shopping centers, restaurants, larger grocery stores, etc.

Subd. 100. “Retail business” – A commercial enterprise that sells good from an ordinary store or at the regular customer price and in small amounts rather than in bulk.

Subd. 101. “Satellite dish antenna” – A parabolic antenna that receives signals from satellite transmitters, usually on a commercial basis.

Subd. 102. “Screening” - Obscuring a view in whole or part.

Subd. 103. “Service business” - A commercial enterprise such as banking, dry cleaning or insurance that does something useful for people but does not manufacture any goods.

Subd. 104. “Service station” - A business where gasoline and other petroleum products are sold on a retail basis as the principal use of the property. Light maintenance activities such as engine tune-ups, lubrication, and minor repairs may also be provided if incidental to such principal use. Service stations do not include premises where retail sales space exceeds 25 percent of the total building area or 500 square feet of gross floor area, whichever is less. Service stations do not include premises where automobile painting and body work are conducted.

Subd. 105. “Service station/convenience store” - An establishment where gasoline and other petroleum products are sold, and where the retail sales space exceeds 25 percent of the total building area or 500 square feet of gross floor area. Service station/convenience stores do not include premises where automobile painting and body work are conducted.

Subd. 106. “Setback” - The minimum horizontal distance required between a building, structure, parking lot or other site improvement and the related front, side or rear lot lines.

Subd. 107. “Shopping center” - A group of retail or service businesses on a single site with shared parking.

Subd. 108. “Sign” – A display used to announce, declare, advertise and attract the attention of the public. The term includes the sign face, sign structure and footings.

Subd. 109. “Single housekeeping unit” – A group of persons maintaining a common household, sharing kitchen facilities, utilities and other household related expenses. In determining whether a group of persons maintains a common household, the following criteria must be used:

- (i) The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers is not a single housekeeping unit.
- (ii) Other factors reasonably related to whether a group of persons is the functional equivalent of a family, including, but not limited to:
 - (a) presence of minor children regularly residing in the household;
 - (b) proof of sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food;
 - (c) whether members of the household have the same address for purposes of voter registration, drivers’ licenses, motor vehicle registrations, summer or other residences and the filing of tax returns;
 - (d) common ownership of furniture and appliances among the members of the group;
 - (e) proof that the group has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.

Subd. 110. “Site” - A lot or group of adjacent lots intended, designated or approved to function as an integrated unit, that is proposed for development in accord with the provisions of this code and is in a single ownership or has multiple owners.

Subd. 111. “Stall depth” – The depth of a parking stall as measured perpendicular to the aisle.

Subd. 112. “Stall length” – A longitudinal dimension of a parking stall.

Subd. 113. “Stall width” – The width of a parking stall as measured perpendicular to the vehicle.

Subd. 114. “Story” - That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

Subd. 115. “Story, half” - That portion of a building under a gable, hip or gambrel roof the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

Subd. 116. “Street level active use building frontage” – The space of a building that fronts a primary street and contains a use that provides for a significant level of pedestrian activity from early morning to late evening hours on weekdays and evenings. Such uses could include retail, service commercial, restaurants, coffee shops, libraries, post offices, common space or lobbies, and conference rooms or party rooms of office or high-density residential developments.

Subd. 117. “Structure” - Anything erected, the use of which requires more or less permanent location on the ground or attachment to something having permanent location on the ground.

Subd. 118. “Structural alteration” - Any change, other than incidental repairs, in the supporting members of a building such as bearing walls, columns, beams, girders, or foundation.

Subd. 119. “Telecommunications tower” – The base structure supporting an antenna that sends or receives electronic communication signals.

Subd. 120. “Theater” – A building or room for showing motion pictures or performing plays.

Subd. 121. “Tower” - Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Subd. 122. “Transitional activity” – The extension or expansion of a nonconforming industrial land use in the C-2 zoning district.

Subd. 123. “Use, accessory” - A use associated with, incidental to, and on the same lot as, a principal use.

Subd. 124. “Use, conditional” – A land use that is not normally allowed in a particular zoning district but which may be allowed by the City Council under certain conditions.

Subd. 125. “Use, permitted” - A principal use which may be lawfully established in a particular district, provided it conforms with all the requirements, regulations and performance standards of such district.

Subd. 126. “Use, interim” – A use that is presently acceptable but that, with anticipated development, will not be acceptable in the future.

Subd. 127. “Use, principal” - The primary purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

Subd. 128. “Use, prohibited” - A use which shall not be established or conducted within a particular district.

Subd. 129. “Variance” - A relaxation from certain dimensional requirements of this code.

Subd. 130. “Wetland” – An area that is inundated or saturated by ground or surface water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland is defined by presence of (a) hydric soils, (b) surface or subsurface hydrology and (c) hydrophytic vegetation (Minnesota Rules, part 8420.0110, subpart 52). Wetlands are delineated using procedures in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual.

Subd. 131. “Wholesale business” - A business that buys and sells goods in quantity directly from manufacturers and sells to retail businesses.

Subd. 132. “Yard” - A required open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for landscaping or other uses as provided by this code. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest wall of the principal building.

Subd. 133. “Yard, front” - An open space on the same lot with the building extending across the entire width of the lot and situated between the front lot line and the nearest line of the principal building, as projected to the side lot line(s). (Figure 8)

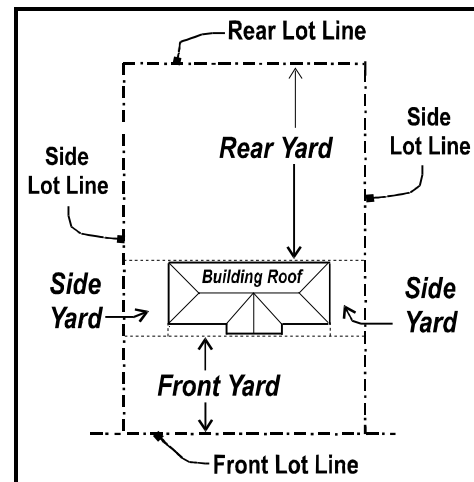


Figure 8

Subd. 134. “Yard, rear” - A yard extending across the entire width of the lot and situated between the rear lot line and the nearest line of the principal building, as projected to the side lot line(s). (Figure 8)

Subd. 135. “Yard, side” - A yard lying between the side lot line and the nearest line of the building extending between the front yard and the rear yard, or in the absence of either such front or rear yard, to the front or rear lot lines. (Figure 8)

Subd. 136. “Zoning district” - An area or areas of the city for which the regulations under this code governing use, land, or structure are uniform. (Amended, Bill No. 1996-22; Bill No. 1998-12; Bill No. 2004-4)