

Zoning Code

Chapter 2

Rules and Regulations

Article 1. General Conditions, §§ 1-010–1-020

Article 1. General Conditions

Sec. 2-010. Rules.

The language of the Zoning Code shall be interpreted in accordance with the following rules of construction:

- (1) ***Singular Number.*** The singular number shall include the plural and the plural the singular.
- (2) ***Present Tense.*** The present tense shall include the past and future tenses and the future tense shall include the present.
- (3) ***Shall.*** The word "shall" is mandatory while the word "may" is permissive.

Sec. 2-020. Definitions.

For the purpose of the Zoning Code, words and terms shall have the definitions as assigned in this Section.

- (1) ***Accessory Building.*** A subordinate building, excluding a private garage, the use of which is incidental to that of the main building or to the use of the premises.
- (2) ***Accessory Use.*** A use subordinate to the principal use on the same premises and customarily incidental thereto.
- (3) ***Airport.*** Any premises which are used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other structures or rights-of-way.
- (4) ***Alley.*** A minor way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.
- (5) ***Amusement Center.*** A business/principal use devoted primarily to the operation of electronic amusement devices or games and open for public use and participation. (Ord. No. 499, 9-15-82; Code of 2001)
- (6) ***Antennae.*** That portion of equipment located on the exterior or outside of a structure used for transmitting or receiving radio or television waves.
- (7) ***Apartment House.*** See "Dwelling, Multiple-Family."
- (8) ***Automobile Repair, Major.*** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work, and painting.

(9) **Automobile Repair, Minor.** Minor repair, incidental body and fender work, painting and upholstering service, replacement of parts, and engine service to passenger vehicles and trucks not exceeding 3/4 ton capacity.

(10) **Basement.** That portion of a building between floor and ceiling that is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

(11) **Bedroom.** Any room other than a living room, dining room, kitchen, or bath.

(12) **Boundary Lines.** Any line indicating the bounds or limits of any tract or parcel of land. Also, a line separating the various use districts as shown on the City's zoning map.

(13) **Building.** Any structure for the shelter, support or enclosure of persons, animals, chattel, or property of any kind affixed to the land.

(14) **Building Height.** The vertical distance above grade to the highest point of the coping of the 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.

(15) **Building, Storage.** A building, other than a private garage, used for the storage of items which are customarily incidental to the principal permitted use of the property.

(16) **College.** An institution of higher education which confers degrees in the advanced branches of knowledge including the professions.

(17) **Common Open Space.** All private land which is placed, by covenant or deed restrictions, in permanent custody of the owner or owners of any project which contains such space and is to be left substantially open for the private use and enjoyment of the residents of the project abutting or adjacent thereto.

(18) **Dog Kennel.** Any premises where more than three dogs over six months of age are kept.

(19) **Dwelling.** Any building or portion thereof which is designed or used exclusively for residential purposes.

(20) **Dwelling, Attached.** A dwelling which is joined to other dwellings at both sides by party walls, as one of a series of not more than eight dwellings arranged in a row including the semi-detached dwellings at the ends.

(21) **Dwelling, Detached.** A residential building which is entirely surrounded by open space on the same lot.

(22) **Dwelling, Multiple-Family.** A building or portion thereof containing three or more dwelling units.

(23) **Dwelling, Semi-Detached.** A dwelling which is joined to another dwelling at one side only by a party wall.

(24) **Dwelling, Two-Family.** A residential building containing two dwelling units including detached and semi-detached dwellings.

(25) ***Dwelling Unit.*** Residential accommodation including complete kitchen facilities, permanently installed, which are arranged, designed, used, or intended for use exclusively as living quarters for one family.

(26) ***Efficiency Apartment.*** A dwelling unit in a multiple-residence building providing complete dwelling facilities except a bedroom or bedrooms. For the purpose of the Zoning Code, an efficiency apartment may have a kitchen, living room, and bathroom.

(27) ***Electronic Amusement Device or Game.*** A mechanical or electrical amusement device or machine which, upon the insertion of a coin, token, or plug, operates or may be operated or used for a game, contest, or amusement of any description and which contains no pay-off in money, coins, checks, or merchandise other than a free game(s) at the same machine. This includes pinball machines; miniature pool tables; bowling machines; shuffleboards; electric rifle or gun games; miniature mechanical or electrical games patterned after baseball, football, basketball, hockey, soccer or similar games; electric word and test games; and electric video games of sports, words or aptitude which are used solely for amusement and not as gambling devices. This term does not include juke boxes or food vending machines. (Ord. No. 499; 9-15-82)

(28) ***Essential Services.*** The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal, or other governmental agencies.

(29) ***Family.***

A. An individual.

B. Two or more persons all of whom are related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit.

C. A group of not more than four persons not so related, maintaining a single housekeeping unit. (Ord. No. 665, 1-11-00)

(30) ***Floor Area, Gross.***

A. The sum of the gross horizontal areas of the several floors of all buildings on the lot as measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

B. In particular, the gross floor area of a building or buildings shall include basements and stair wells at each story; floor space used for mechanical equipment with structural headroom of seven feet, six inches or more; attic space providing structural headroom of seven feet, six inches or more; and, interior balconies and mezzanines but shall exclude all cellar and basement space devoted to parking of automobiles.

(31) **Floor Area Ratio (F.A.R.).** The ratio of the gross area of all buildings on a lot to the area of the lot. For example, on a 10,000 square foot lot with a .3 F.A.R., buildings with a gross floor area up to 3,000 square feet can be constructed-(10,000 square feet x .3 = 3,000 square feet).

(32) **Frontage.** The width of a lot or building site measured on the line separating it from the public street or way.

(33) **Front Line.** A line separating the lot from the public street or way. The front line of lots with more than one street side shall be determined by the method specified in Section 8-670 of the Zoning Code.

(34) **Garage, Private.** A building used primarily for the storage or care of large motor vehicles including but not limited to automobiles, pickup trucks, and campers.

(35) **Garage, Public.** Any premises used for the storage or care of power-driven vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale except those described as a private or storage garage.

(36) **Garage, Storage.** Any premises used exclusively for the storage of power-driven vehicles except those described as a private or public garage.

(37) **Green Area.** A mandatory reservation of open space for the common use of the tenants on any lot or plot on which a multiple-family dwelling will be constructed. The amount of space to be reserved as green area shall be determined in proportion to the number and kinds of dwelling units to be constructed. The green area may be left in its natural state, may be seeded, landscaped with approval plantings, or developed for outdoor recreational purposes where such is stated and approved on the site plan.

(38) **Ground Floor Area.** The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding porches, terraces, and garages which do not exceed twelve feet in height.

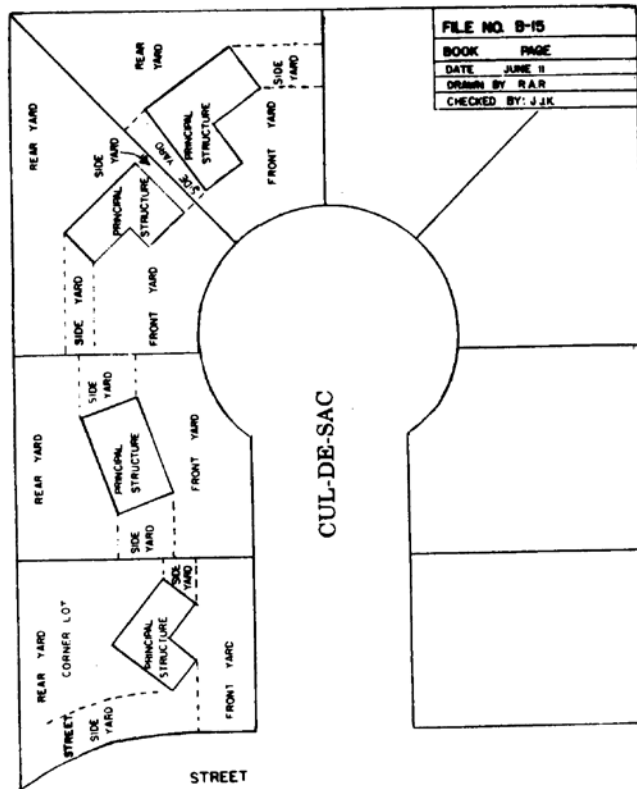
(39) **Highway.** The entire width between the property lines of every way or place of whatever nature, other than an alley, when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic.

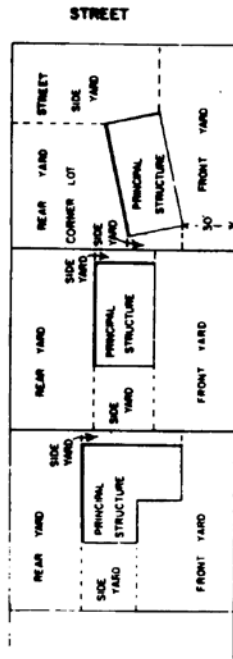
(40) **Home Occupation.** An accessory use of a dwelling unit carried on only by those residents of the dwelling unit when the accessory use is conducted entirely within the dwelling unit or when the dwelling unit becomes the base of operation for the accessory use. The use is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence or adversely affect the residential character of the surrounding neighborhood. (Ord. No. 522, 4-18-84; Code of 2001)

(41) **Housing, Elderly.** A housing development with occupancy limited to persons 55 years of age or older. Those persons excluded from the age restriction are the spouse of a person 55 years of age or older and property caretakers. (Ord. No. 538, 2-11-86; Code of 2001)

(42) **Hotel.** A building occupied as the abiding place of persons who are lodged with or without meals, in which, as a rule, the rooms are occupied singly for hire and in which there are more than ten sleeping rooms.

(43) ***Illustrations, Yards.*** The following drawings are hereby incorporated into the Zoning Code as illustrations of the configuration of typical yards and to assist in understanding what are front, rear, and side yards in different circumstances.





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(44) **Landscaping.** The development of a lot or plot of land in a manner which produces the best functional and aesthetic effect through the arrangement of natural plantings and/or decorative constructions such as fences, walls, etc.

(45) **Landscaping Plan.** A plan which outlines in detail the proposed landscaping scheme. The plan shall include all information required in Section 8-010(2).

(46) **Loading Space.** A space which is accessible from a street, alley, railroad, or way, in a building or on a lot, for the use of trucks while loading and unloading merchandise or materials.

(47) **Lodging Room.** A room rented as sleeping and living quarters without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

(48) **Lot Width.** The mean horizontal distance between the side lot lines of a lot as measured within the lot boundaries.

(49) **Manufactured Dwelling.** A structure that is transportable in one or more sections which:

- A. When in the traveling mode is eight body feet or more in width or forty body feet or more in length, or,
- B. When erected on a site, is 320 or more square feet and is built on a permanent chassis and designed to be used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, and
- C. Includes the plumbing, heating, air conditioning, and electrical systems contained therein.

No manufactured dwelling shall be moved into the City that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes, Section 327.31, Subdivision 3 which shall mean Housing and Urban Development (HUD) certified. (Ord. No 497, 7-27-82; Ord. No. 516, 1-24-84; Code of 2001)

(50) **Motel.** Two or more attached, detached, or semi-detached buildings containing guest rooms or apartments, designed, intended, or used for the accommodation of travelers including auto cabins, motor lodges, motor courts, automobile courts, and similar designations.

(51) **Noncommercial Recreational or Cultural Uses.** Any recreational or cultural use of land or buildings or buildings intended solely for the residents of a planned residential development to which membership is obtained only by living in the planned residential development.

(52) **Noxious Matter.** Material which is capable of causing injury, is in any way harmful to living organisms, or is capable of causing detrimental effect upon the health, the psychological, social, or economic well-being of human beings.

(53) **Parking Space.** An area of not less than 180 square feet that measures at least 9 feet by 20 feet, exclusive of access or maneuvering area, to be used exclusively as a temporary storage space for a private motor vehicle.

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

- (55) **Person, Elderly.** A person who is at least 55 years of age. (Ord. No. 538; 2-11-86; Code of 2001)
- (56) **Rest Home, Nursing Home or Boarding Care Home.** A building used to provide care for aged or infirmed persons requiring or receiving personal care or custodial care in accordance with the regulations of the State Board of Health.
- (57) **School.** An institution for learning, specifically grammar and high schools, which provide elementary and preparatory instruction.
- (58) **Screening.** A partition of vegetation and/or fencing that visually separates land uses or objects of one property from adjacent properties and streets. Screening techniques shall be such that the screening is effective throughout all seasons of the year. (Ord. No. 523, 4-27-84)
- (59) **Service Station (Gas Station).** A place where gasoline, kerosene, or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.
- (60) **Setback.** The minimum horizontal distance from a building, structure, fence, or parking lot to a lot line.
- (61) **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above.
- (62) **Street.** Any public or private way set aside as a permanent right-of-way for vehicular access existing at the time of enactment of this Zoning Code and any such public right-of-way acquired or accepted by the City Council after the enactment of this Zoning Code.
- (63) **Structural Alteration.** Any change in a building or structure affecting its supporting members such as bearing walls, partitions, beams, girders, etc. including roofs or exterior walls. Incidental repairs shall not be considered alterations.
- (64) **Structure.** Anything erected, the use of which requires more or less a permanent location on the ground or attachment to something having a permanent location on the ground. (Ord. No. 529, 4-23-85; Code of 2001)
- (65) **Structure, Principal.** The predominant structure in which the principal use of the lot is conducted. (Ord. No. 529, 4-23-85; Code of 2001)
- (66) **Subdivision.** A parcel of land divided into smaller parts such as blocks or lots, or a tract of land which is redivided after the first division.
- (67) **Tower.** Any pole, spire or structure, or combination thereof, to which an antenna is attached and all supporting lines, cables, wires, braces and masts.

(68) **Townhouse.** A group of three or more single-family residences attached one to the other with common sidewalls. These dwellings may be one-story or two-story buildings but each unit shall be designed and constructed to house single families. The design, construction, or use of two-story units to house more than one family shall not be permitted.

(69) **Trailer.** Any vehicle or structure designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, and is so designed that it is or may be mounted on wheels or flat-bed trucks and moved on highways or streets propelled on its own or by other motive power. The word "trailer" shall be synonymous with "trailer coach" and "mobile home."

(70) **Trailer Parks.** A trailer park, trailer court, camp site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer, coach, or trailer coaches and upon which any trailer, coach, or trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the trailer park and its facilities or not. "Trailer park" shall not include automobile or trailer sales lots on which unoccupied trailers or mobile homes are parked for purposes of inspection and sale.

(71) **Transitional Zoning.** The permitting of a less restrictive use on certain residential lots abutting on business or manufacturing districts to provide a more satisfactory blending of the two districts.

(72) **Use, Conforming.** Any use of land, structure or combination thereof which is in compliance with all applicable portions of the Zoning Code.

(73) **Use, Discontinued.** A use shall be considered to be discontinued when the premises are not regularly occupied or when the characteristic equipment and furnishings of such use have been removed from the premises.

(74) **Uses, Nonconforming.** Any use of land, structure, or combination thereof which was lawfully established and which does not comply with all applicable portions of the Zoning Code.

(75) **Variance.** A modification or variation of the provisions of this zoning code as applied to a specific piece of property. (Ord. 863, 11.13.2018;)

(76) **Yard.** An open space on a lot which is free of buildings or structures. Where the unusual configuration of a principal structure of a lot makes the definition of any yard inapplicable (front, rear, side or street side), the yards shall be determined at the time the building permit is issued. Section 2-020(43) contains illustrations of the configuration of typical yards.

- A. On residential riparian lots on Long Lake, the front yard may be the water side of the parcel. The street side of the lot shall have the required front yard setback standard applied, and may have a detached accessory structure. The yard designation shall be determined by the City Manager and not be permitted to change.
- B. Regulations in 2-020 (76) A. shall not apply to fences. All fence construction shall abide by standards found in Section 4-540.

(77) **Yard, Rear -Corner Lot.** An area as described in the definition of "Yard, Rear - Interior Lot", excluding therefrom that area lying on the side street side of an imaginary line drawn from the rear corner of the principal structure closest to the side street to the rear lot line parallel with the street side lot line.

(78) ***Yard, Rear - Interior Lot.*** An area bounded by the rear lot line, the side lot lines, the walls of the principal structure facing the rear lot line and the shortest possible imaginary lines drawn to the side lot lines from the two rear corners closest to the lot lines of the principal structure.

(79) ***Yard, Side.*** A yard which is not included in a rear yard or in a front yard.

(80) ***Yard, Street Side.*** A side yard bordered on at least one side by a street.