
Section 9: Definitions and Rules of Construction Special Purpose Districts

9.1 Rules of Construction

- (a) **Sec. 2.01. - Construction generally.** All words and phrases used in this Legislative Code are used in their plain and ordinary sense unless otherwise clearly indicated, and it is the intent of the council of the City of Brooklyn Center that in interpreting and construing the various provisions of this Code, an attempt be made to fairly construe those provisions so as to achieve the beneficial ends for which the provisions and the Code itself were adopted. In so doing, the following rules of construction are established.
- (b) **Sec. 2.02. - General rule.** Words and phrases shall be construed so far as possible in their plain, ordinary and usual sense except that technical words and phrases having a peculiar and recognized meaning in law shall be understood according to their technical import.
- (c) **Masculine, feminine or neutral.** Unless clearly against the sense of the context, the use of masculine, feminine or neutral gender shall include all the other genders.
- (d) **Singular or plural.** Unless clearly against the sense of the context, the use of either singular or plural number shall include the other number.
- (e) **Past, present or future.** Unless clearly against the sense of the context, the use of either past, present or future tense shall include the other tenses.
- (f) **Joint authority.** Words or phrases importing joint authority or joint action to three (3) or more persons shall be construed as authority or action to or by a majority of such persons.
- (g) **Computation of time.** The time within which an act shall be done shall be computed by excluding the first and including the last day; provided only, that if the last day is a Sunday or legal holiday, the following day not a Sunday or legal holiday shall be taken as the last day.
- (h) **Sec. 2.10. - Conjunctions.** The words "or" and "and" may be read interchangeably in such places as demanded by the context.
- (i) **Sec. 2.17. - Other definitions.** Certain chapters of this Code contain definitions of words used in said chapters having particular applicability to such chapters. In case of any conflict between the definitions contained in Section 8.2 and such other definitions as may be found from time to time in this Code, the other definitions shall prevail in the chapters where such definitions are made applicable.

Abrogation and Greater Restrictions

It is not intended by this (*section, chapter or article*) to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this (*section, chapter or article*) imposes greater restrictions, the provisions of this (*section, chapter or article*) shall prevail. All other (*sections, chapters or articles*) inconsistent with this (*section, chapter or article*) are hereby repealed to the extent of the inconsistency only.

Abutting lots or parcels

Any lots or parcels which have a common boundary line.

Access Path

An area designated to provide ingress and egress to public waters.

Accessory Building

A building which is used in relation to an accessory use.

Accessory Dwelling Unit (ADU)

A smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).

Accessory Eating Establishment

An establishment within a multistory office building or apartment building where food is prepared, sold, and consumed by clients who work or live within the same building or within a complex of which the building is a part. Such establishments do not appeal through signage or other advertising to the general public.

Accessory Use or Structure

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adjacent

Having a boundary that physically touches or adjoins.

Agricultural stands

A permanent or semi-permanent structure that is at least 100 square feet in size or has a roof structure attached whose primary use is the sale of agricultural products.

Agricultural Use

A use having the meaning given under [Minnesota Statutes, section 40A.02](#).

"[The use of land for] the production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. "Agricultural use" also includes wetlands, pasture, forest land, wildlife land, and other uses that depend on the inherent productivity of the land."

Adult Establishments

A business or establishment that offers patrons services or entertainment characterized by an emphasis on matters that depict, describe, provide, or relate to sexual activities, content, services, or nudity. This definition intends to include uses such as adult bookstore or video store, adult cabarets, adult theaters, adult motion picture theaters, sexually-oriented retail, and similar sexually oriented businesses.

Alley

A minor way which is used primarily for vehicular service access to the back or the side of properties abutting on a street.

Alternative Design

Subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

Amusement Center (indoor)

The provision of indoor entertainment or games to the general public, for a fee, including but not limited to movie theaters, bowling alleys, skating rinks, pool halls, arcades, and related uses.

Amusement Center (outdoor)

The provision of entertainment or games to the general public, for a fee, that is at least partially outdoors. Such uses include but are not limited to miniature golf courses, merry-go-rounds, care race tracks, carnival games, and related uses.

Animal Feedlot

A facility as defined by [Minnesota Rules, part 7020.0300](#).

"A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts."

Antenna Support Structure

Any building or other structure 75 ft. in height or taller other than a telecommunications tower which can be used for location of telecommunications facilities.

Apartment Building

A building with three or more dwelling units attached both horizontally and/or vertically.

Apartment Building, High Rise

A multiple family dwelling six or more stories in height, whose upper floors are accessible by elevators.

Apartment, Walk-up

A multiple family dwelling whose upper floors are accessible only stairs.

Area Learning Center (ALC)

Non-traditional State approved alternative learning facility for students between the ages of 15 and 21 years that meet the criteria established in [Minnesota Statutes, section 124D.68](#).

Artisan Production and Sales

Application, teaching, making, or fabrication of crafts or products by an artist, artisan, or crafts person either by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not permitted in non-industrial zoning districts such as welding and sculpting.

Assisted Living Facility

A combination of housing and supportive services including personalized assistance and health care, operated by a legal licensed entity, and designed to respond to the individual needs of those living within the facility. The emphasis of an assisted living home remains residential even with these support services.

Automobile & truck repair and service station

A facility for the general repair, rebuilding, or reconditioning of automobiles, noncommercial trucks, and motorcycles, including the sale, installation, and servicing of related equipment and parts. Such facilities may also include as an accessory use the sale of gasoline.

Barge Fleeting

Temporarily parking and securing barges on the river, on or off channel, while tows are assembled or broken up.

Base Flood Elevation

The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

Basement

Means any area of a structure, including crawl spaces, having its floor or base City of Brooklyn Center 35-87 City Ordinance subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Bicycle Sharing

Service in which bicycles are made available for shared use to individuals on a very short term basis.

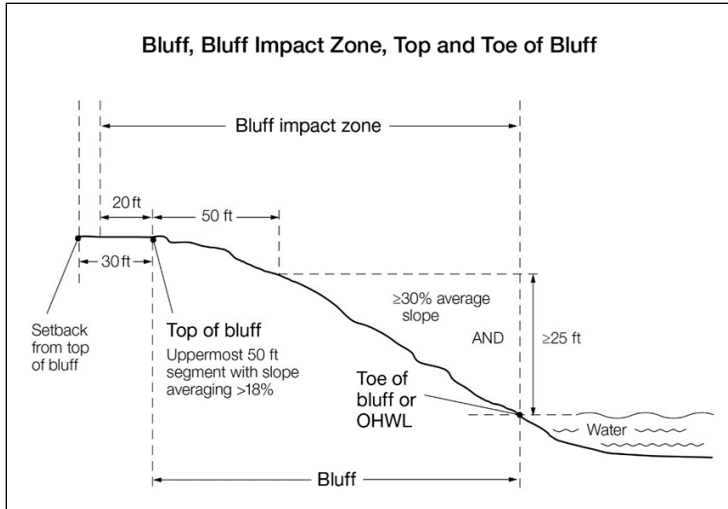
Biological and Ecological Functions

The functions of native flora and fauna in stabilizing soils and slopes, retaining and filtering runoff, ensuring pollination, providing species-diverse habitat, and recharging groundwater.

Bluff

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

- 1) Part or all of the feature is located in a shoreland area;
- 2) The slope rises at least 25 feet above the toe of bluff;
- 3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff; and
- 4) The slope must drain toward the waterbody.



Bluff Impact Zone

A bluff and land located within 20 feet of the top of a bluff.

Bluff, Toe of.

The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher, and which is measured over a horizontal distance of 25 feet.

Bluff, Top of.

For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent measured over a horizontal distance of 25 feet.

Boarding House

A building within which rooms are rented and meals are provided to two or more persons not members of the owner's or lessee's family.

Boulevard

The portion of the street right of way between the curb line and the property line.

Brewpub, Micro-winery, and Micro-distillery

A brewpub that manufactures less than 3,500 barrels of malt liquor each calendar year; or a micro-winery that is operated by the owner of a Minnesota farm and produces table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota; or a micro-distillery that manufactures less than 40,000 proof gallons in a calendar year. Off-site sales are allowed as an accessory use.

Buffer

A vegetative feature as defined by [Minnesota Statutes, section 103F.48](#).

"An area consisting of perennial vegetation, excluding invasive plants and noxious weeds, adjacent to all bodies of water within the state and that protects the water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and protects or provides riparian corridors."

Buildable Area

The area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.

Building

Any structure with two or more rigid walls and a fully secured roof and affixed to a permanent site erected for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building Height

The vertical distance measured from the highest adjoining ground level or 10 feet above the lowest adjoining ground level, whichever is lower, to the highest point of the roof surface of flat roofs, the deck line of mansard roofs, the uppermost point on a round or arched roof; or the average height between the eaves and the highest ridge of gable, hip, or gambrel roofs. The height of a stepped or terraced building shall be the height of the tallest segment of the building.

Business:

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

Business Service

Retail or service establishments whose customers are primarily other businesses, including but not limited to duplicating services, electronic data processing, and employment service; mailing, addressing, stenographic services; and specialty business service such as travel bureau, news service, exporter, importer, interpreter, appraiser, film library.

Butt Lot

A lot at the end of a block and located between two corner lots.

Canopy

An accessory roof-like structure, either attached to or detached from a permitted building, open on all sides, other than where attached; which is located over and designed to provide temporary cover for entrances, exits, walkways, and approved off-street vehicle service areas (such as gasoline stations, drive-in establishments, and loading berths).

Car Wash

A facility for the washing and cleaning of automobiles and noncommercial trucks through the use of primarily mechanical, automated equipment.

Carport

An accessory roof-like structure, either attached to or detached from a permitted building, enclosed on not more than two sides, which is designed to provide cover for approved off-street vehicle parking or vehicle storage space.

Certificate of Compliance

A document written after a compliance inspection, certifying that the development is in compliance with applicable requirements at the time of the inspection.

City

The City of Brooklyn Center.

Clear View Triangle:

On any property which is located at a street intersection, the Clear View Triangle is defined as that triangular area formed by connecting the following three points: the point of intersection of the adjacent curb lines extended, and a point on each adjacent curb line 55 feet from such point of intersection. If there are no curbs, the edge of the traveled portion of the street or road shall be used instead of the curb line. On any property which is located at an intersection of an alley with a street, the triangular area is formed by connecting points 20 feet from Nothing may be allowed within the Clear View Triangle to materially impede vision between a height of two and one-half feet and 10feet above the centerline grades of the intersecting streets. However, certain objects may remain in the Clear View Triangle if, based on engineering judgment and discretion, there are other circumstances that limit or minimize risk at the intersection.

Cold Frames

A device constructed partly or entirely of glass, or other transparent or translucent material, which is used to shield plants from cold weather, including ice, snow, and/or cold winds.

Co-Location

the location of wireless telecommunications equipment from more than one provider on one common tower, building or structure.

Comprehensive Plan

The comprehensive plan adopted by the city council indicating the general locations recommended for the various functional classes of public works, places and structures, and for the general physical development of the City of Brooklyn Center, and includes any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

Clubrooms and Lodges

A nonprofit membership organization that holds regular meetings, whose members pay annual dues, that is organized for a common interest, usually cultural, civic, religious, or social, and that has formal written membership requirements. A "club or lodge" may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of members and their guests. There are no sleeping facilities.

Co-Location

the location of wireless telecommunications equipment from more than one provider on one common tower, building or structure.

Commercial Animal Establishment (formerly kennels)

Any business that raises, breeds, sells, boards, distributes, or exhibits animals for either entertainment or education purposes, including but not limited to: kennels, aquariums, pet shops, petting zoos, riding schools or stables, zoological parks, or performing animal exhibition.

Commissioner

(As used in the shoreline section) The commissioner of the Department of Natural Resources.

Community Center

A facility used for recreational, social, educational, and cultural activities including private nonprofit recreational and social facilities, recreational buildings and facilities, and community centers operated by public agencies.

Conditional Use

A use having meaning under [Minnesota Statutes, section 394.22](#) and [section 463.3595](#).

"A specific type of structure or land use listed in the official control that may be allowed, subject to the procedures and standards contained in Section 6.3.2 of this Unified Development Ordinance, but only after an in depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: (a) Certain conditions as detailed in the Unified Development Ordinance exist; and (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood."

Condominium Single Family Attached Dwelling Units

Two or more dwelling units horizontally attached in a linear or cluster arrangement, with the individual dwelling units separated from each other by a wall or walls extending from foundation to roof, and with each dwelling unit located upon a separate platted lot. Characteristic features of such a development include individual ownership of dwelling units, and common (nonpublic) ownership of open areas, site amenities, and recreation facilities. A condominium single family attached dwelling unit development includes at least one large common area of open space for aesthetic or recreational purposes.

Conservation Design

A pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

Controlled Access Lot

A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

Convenience Food Restaurant

An establishment with over 40 dining seats or in a separate building, whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises, and whose design or principal method of operation includes both of the following characteristics:

- 1) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
- 2) The customer is not served food at his/her table by an employee but receives it at a counter, window, or similar facility for carrying to another location on or off the premises for consumption.
- 3) Corner Lot
- 4) A lot situated at the intersection of two or more streets, which has a boundary line bordering on two of the streets and having an interior angle of less than 135 degrees.

Critical Facilities

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

Cul-de-sac

A minor street with only one outlet.

Deck

A horizontal, unenclosed, above-ground, level platform without a roof, which may be attached or unattached to a principal dwelling, including any attached railings, seats, trellises, or other features not more than 36 inches above the platform, and which platform is functionally related to a principal use. An unattached deck is considered an accessory structure in any yard, wetland, floodplain, or river corridor critical area.

Development

Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Complex

A multiple building development, such as a shopping center, a planned industrial park or office development that is controlled by a single owner or landlord.

Dock

Having the meaning given under [Minnesota Rules, part 6115.0170](#)

"A narrow platform or structure extending waterward from the shoreline intended for ingress and egress for moored watercraft or seaplanes or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities."

Drive-in Establishment

A commercial enterprise that customarily offers goods, services or entertainment to clientele within automobiles (example: automobile service stations, drive-in restaurants, outdoor theaters, and car washes, but not "drive-in" cleaners where the customer must leave his automobile to pick up or deliver goods).

Drop-in Child Care Center

A facility licensed by the Minnesota Department of Public Welfare to provide child care on an irregular basis for periods not to exceed five (5) consecutive hours in a given 24 hour period. Such centers are intended to provide babysitting service for parents who wish to shop and/or pursue leisure activities and do not provide regular care of children while parents travel to a place of work.

Dwelling

A building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two-family dwellings, and multiple family dwellings, including earth-sheltered homes and manufactured homes; but not including hotels, motels, commercial boarding or rooming houses, tourist homes, and recreational vehicles, such as travel trailers, camping trailers, pick-up campers, motor coaches, motor homes, and buses.

Dwelling, Attached (apartment, condominium, cooperative, townhouse, or duplex)

A dwelling joined to one or more other dwellings by party wall or walls.

Dwelling, Detached

A dwelling entirely surrounded by open space.

Dwelling, Live/Work

An integrated housing unit and working space, occupied and used by a single household in either a single-family attached dwelling or multiple family dwelling, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and includes:

- 5) Complete kitchen space and sanitary facilities; and
- 6) Working space reserved for and regularly used by one or more occupant of the unit.

Dwelling, Multiple Family (Apartment or Flat)

A residential building or portion thereof containing three or more dwelling units.

Dwelling, One-Family

A residential building containing one dwelling unit.

Dwelling, Townhouse or Garden Apartment

Three or more dwelling units horizontally attached in a linear or cluster arrangements, with the separate dwelling units within the building separated from each other by a wall or walls extending from foundation to roof. Characteristic features of townhouses or garden apartments are their private entrances and small private yards for outdoor living. A townhouse or garden apartment development includes at least one large common area of open space for aesthetic or recreational purposes.

Dwelling, Two-Family (duplex)

A residential building containing two dwelling units.

Dwelling Unit

A single residential accommodation which is arranged, designed, used or intended for use exclusively as living quarters for one family; must include complete permanently installed kitchen facilities. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

Easement

A grant by an owner of land for the specific use of said land by the public generally, or to a person or persons.

Efficiency Units

A dwelling unit with one primary room which doubles as a living room (in its ordinary sense) and a bedroom and may, in addition, serve for other residential uses.

Electric Power Facilities

Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under [Minnesota Statutes, Chapter 216E](#).

Enforcement

The *(insert name of local government or designated official)* is responsible for the administration and enforcement of this *(section, chapter or article)*. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this *(section, chapter or article)* can occur regardless of whether or not a permit is required for a regulated activity listed in Section 4.2.

Equal Degree of Encroachment

A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows

Essential Services

Underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems, including storm water. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities or other similar equipment and accessories in conjunction with the systems. Essential services does not include buildings, treatment works as defined in [Minnesota Statutes, section 115.01](#), electric power facilities or transmission services.

Establishment

Any of the following definitions shall apply:

- 1) A distinct business entity situated in a single building.
- 2) A distinct business entity located in a structure attached to other similar structures by common walls and ceilings or floors, or attached by means of an enclosed arcade.
- 3) A distinct business entity contained within a single structure and not separated by walls or other physical barriers, but made distinct due to its existence as a single lease space and operation by separate entrepreneurs, or by its singularity of purpose (such as clothing sales, furniture sales, and so on) carried on by a single or separate proprietors.

Family

Any of the following definitions shall apply:

- 1) A person or persons related by blood, marriage or adoption, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.
- 2) Group or foster care of not more than six wards or clients by an authorized person or persons, related by blood, marriage, or adoption, together with his or their domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency.
- 3) A group of persons not related by blood, marriage, or adoption maintaining a common household in a dwelling unit.

Farm Fence

Any of the legal and sufficient fences defined by [Minnesota Statutes, section 344.02, Subd. 1 \(a\)–\(d\)](#) with all requisite measures and components prescribed, therein.

An open type fence of posts and wire is not considered to be a structure under this Unified Development Ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this Unified Development Ordinance.

Final Plat

The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the city council for approval and which, if approved, will be submitted to the County Register of Deeds or Registrar of Titles.

Fitness Centers (Large & small)

A building, or portion of a building, designed and equipped for the purpose of exercise, physical fitness, or related activities, and open to either members, or the public for a fee. May also include a place that offers licensed massage, facial, or body treatments provided as an accessory use that directly relates to an on-site primary use. Fitness Centers are not permissive of uses such as gun ranges or the firing of projectiles.

Flood

A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency

The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe

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

Flood Insurance Rate Map

An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Prone Area

Any land susceptible to being inundated by water from any source (see "Flood").

Floodplain

The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Floodproofing

A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway

The best of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

Floor Area, Gross

The sum of the horizontal areas of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center line of party walls separating two buildings. In particular, "gross floor areas" shall include:

- 1) Basement space, if at least fifty percent of its story height is above the average level of the finished grade.
- 2) Elevator shafts and stairwells at each floor.
- 3) Floor space used for mechanical equipment where the structural headroom exceeds 7-1/2 feet, except equipment, open or enclosed, located on the roof, i.e., bulk needs, water tanks, and cooling towers
- 4) Attic floor space where the structural headroom exceeds 7-1/2 feet.
- 5) Interior balconies and mezzanines, where the structural headroom exceeds 7-1/2 feet.
- 6) Enclosed porches, but not terraces and breezeways.
- 7) Accessory uses other than floor space devoted exclusively to accessory off-street parking or loading, but shall not include garages, open porches, and open patios.

Floor/Area Ratio

The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building is located.

Forest Land Conversion

The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Garage, Private

An accessory building or an accessory portion of the dwelling building intended for or used to store private passenger vehicles of the families resident upon the premises and in which no business, service or industry connected directly or indirectly with automotive vehicles may be carried on.

Garage – School Bus

A building, or portion of a building, used for the storage of school buses (defined in M.S.A. section 169.01, Subd. 6), or where any such vehicles are kept for remuneration or hire, excluding major repair of such vehicles.

Gas Station

The portion of a property used for the retail sale of automobile fuels, oils, and accessories. Such an establishment may offer the retail sale of other convenience items, automobile car wash, or auto repair and services as a secondary use.

General Indoor Retail Sales, Large

An establishment selling general retail goods that has a gross floor area greater than 10,000 sq. ft. for all uses. This use does not include the sales of light or heavy motor vehicles or any other goods listed as a separate use in the Allowed Use Table.

General Indoor Retail Sales, Small

An establishment selling general retail goods that has a gross floor area of 10,000 sq. ft. or less for all uses. This use does not include the sales of light or heavy motor vehicles or any other goods listed as a separate use in the Allowed Use Table.

Green Strip

An area containing only vegetation such as grass, trees, flowers, hedges, and other related landscaping materials, and maintained expressly for such purpose.

Group Day Care Center (Drop In Child Care + Group Daycare)

A facility operated by a legal licensed entity for the purpose of providing care, protection, and guidance to ## or more individuals during a portion of 24-hour day. Day care centers may include child or adult care, but are not public or private educational facilities nor offer care for a full 24-hour period. Such facilities may be an accessory use in places of religious assembly.

Hard Surface

Ground covered with brick, concrete, asphalt, iron ore, cobble-stones, blacktop, or other asphaltic or rubber mixture which creates a firm, smooth, and level surface.

Hard-Surface Trail

A trail surfaced in asphalt, crushed aggregate, or other hard surface, for multi-purpose use, as determined by local, regional, or state agency plans.

Historic Property

An archaeological site, standing structure, site, district, or other property that is:

- 1) Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under [Minnesota Statutes, Chapter 471](#);
- 2) Determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places as determined by the Director of the Minnesota Historical Society; or
- 3) An unplatted cemetery that falls under the provisions of [Minnesota Statutes, Chapter 307](#), in consultation with the Office of the State Archaeologist.

Home Occupation

Subject to the further limitations of Section 4.3.1(c) of the UDO, a home occupation is any gainful occupation or profession, carried on within a dwelling unit, by a family member residing within a dwelling unit, which is clearly incidental and secondary to the residential use of the dwelling unit and the lot upon which it is constructed, including, without limitation, dressmaking, secretarial services, professional offices, answering services, individual music or art instruction, individual hobby crafts, and day care and similar activities.

Home Occupation, Special

Subject to the further limitations of Section 4.3.1(d) hereof, and subject to approval by the City Council, a special home occupation is any gainful occupation or profession carried on within a dwelling unit or any permitted accessory buildings or installations on a lot, by a family member residing within the dwelling unit, which is clearly incidental and secondary to the residential use of the dwelling unit, the accessory structures, and the lot upon which it is constructed, including, without limitation, barber and beauty services, shoe repair, photography studios, group lessons, saw sharpening, motor driven appliances and small engine repair, and similar activities.

Hospital

An institution licensed by the state Department of Health primarily engaged in providing, by or under the supervision of physicians, to inpatients (A) diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled or sick persons, or B) rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

Hotel

A building which provides a common entrance, lobby, and stairways, and in which lodging is commonly offered with or without meals for periods of less than a month.

Hotel, Extended Stay

A building which provides a common entrance, lobby, and stairways, and in which lodging is commonly offered with or without meals. Guests stay at an extended stay hotel for periods of more than a month. The hotel rooms offer amenities such as self-serve laundry and in-suite kitchens consistent with long term accommodations.

Impervious Surface

A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots, storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.

Indoor Recreation

A facility for indoor participation or observation of sports, games, fitness, arts, or culture activities that do not meet the definition for another use in this Unified Development Ordinance. This use includes but is not limited to health clubs, bowling, skating, swimming, tennis, teen clubs, health and fitness centers, gyms, escape rooms, haunted houses, stadiums, and similar indoor activities. Accessory uses include the sales of food, beverages, and items related to or required for participation in the recreational activity.

Individual Establishment

A distinct business entity situated in a single building.

Industry

An enterprise that involves the production, assembly, processing, warehousing, or transfer of materials, goods or products.

Intensive Vegetation Clearing

The removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

Interim Use

A temporary use of property until a specified date, until the occurrence of a specified event, or until zoning regulations no longer permit it.

Jurisdiction

The provisions of this *(section, chapter or article)* apply to land within the river corridor boundary as described in the State Register, volume 43, pages 508 to 519 and shown on the zoning map *(insert reference citation)*.

Land Alteration

An activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances.

Laundry and Dry Cleaning Drop-Off and Pick-Up

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers but not including any on-site cleaning or dry-cleaning activities.

Loading Space

A space accessible from a street, alley, or way in a building or a lot for the use of motor vehicles while loading or unloading merchandise or materials.

Local Government

Counties, cities, and townships.

Local Park Agencies

The Minneapolis Park and Recreation Board and the Three Rivers Park District.

Lot

A lot is a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds, for the purpose of sale or lease or separate use thereof.

Lot Area

The area of a horizontal plane bounded by the front, side and rear lot lines.

Lot, Corner

A lot at the junction of and abutting on two or more intersecting streets.

Lot, Depth

The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot, Interior

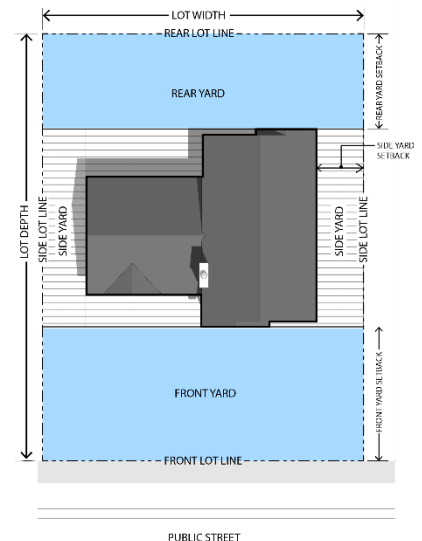
A lot other than a corner lot.

Lot Line

A property boundary line of any lot held in a single or separate ownership.

Lot Line, Front

That boundary of a lot which is along an existing or dedicated street. In the case of corner lots, the zoning administrator shall determine, but only for the purpose of this Unified Development Ordinance, which lot line or lines shall be considered front lot lines; such determination shall not be construed as stating in which direction buildings shall face. In general, the narrower of the lines abutting streets shall be the front line for the above stated purpose.



Lot Line, Rear

The boundary of a lot line which is most distant from and is approximately parallel to the front lot line.

Lot Line, Side

Any boundary of a lot which is not a front or rear lot line.

Lot Width

The horizontal distance between the side lot lines of a lot measured at the front yard setback line. For MRCCA, lot width is considered to be the shortest distance between lot lines.

Lowest Floor

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

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

Manufacturing assembly and processing of products

Any manufacturing or industrial production that forms, shapes, combines, or alters materials. This process of this production cannot produce objectionable noise, fumes, vibration, waste, or radiation.

Marina

Having the meaning given under [Minnesota Rules, part 6115.0170](#).

Either an inland or offshore commercial mooring facility for the concentrated mooring of seven or more watercraft or seaplanes wherein commercial ancillary services common to marinas are provided.

Massage

Rubbing, stroking, kneading, tapping or rolling of the body of another with the hands for the exclusive purpose of physical fitness, relaxation, beautification and for no other purpose.

Marginal Access Street

A minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

Medical and health uses

Uses concerned with the diagnosis, treatment, and care of humans. Such uses include hospitals, dental services, medical clinics, aesthetician services, nursing, medical tattooing, laser treatments, and similarly oriented uses.

Meeting, Banquet, Event, or Conference Facility

A facility available on a rental basis to the general public, with or without food preparation equipment, used for meetings, conferences, receptions, fellowship, catered meals, and other social functions.

Minimum Subdivision Design Standards

The guides, principles and specifications for the preparation of subdivision plans indicating among other things the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

Mississippi River Corridor Critical Area (MRCCA)

The area within the River Corridor Boundary (See Section 3.2.3).

Mississippi River Corridor Critical Area (MRCCA) Plan

A chapter or other element in the Brooklyn Center Comprehensive Plan.

Mooring Facility

Having the meaning given under [Minnesota Rules, part 6115.0170](#).

"A concentrated area intended solely for the mooring or containment of seven or more watercraft or seaplanes by docks, mooring buoys, or other means."

Motel

A hotel in which rooms are directly accessible to an outdoor automobile parking area.

Multi-Establishment

A distinct business entity located in a structure attached to other similar structures by common walls and ceilings or floors, or attached by means of an enclosed arcade; or a distinct business entity contained within a single structure and not separated by walls or other physical barriers, but made distinct due to its existence as a single lease space and operation by separate entrepreneurs or by its singularity of purpose (such as clothing sales, furniture sales and so on) carried on by a single or separate proprietors.

Native Plant Community

A plant community that has been identified as part of the Minnesota Biological Survey or biological survey issued or adopted by a local, state, or federal agency.

Natural-Surface Trail

A trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.

Natural Vegetation

Any combination of ground cover, understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

New Construction

Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this Unified Development Ordinance.

Nonconformity

Having the meaning given under [Minnesota Statutes, Section 394.22](#).

"Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized."

Nonmetallic Mining

Construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.

Nursing Care Home

A facility which provides for the accommodation of persons who are not acutely ill and not in need of hospital care, but who do require nursing care and related medical services. Examples of nursing care include: bedside care and rehabilitative nursing techniques, administration of medicines, a modified diet regime, irrigations and catheterization, application of dressings or bandages and other treatments prescribed by a physician. In addition, the social, religious, education and recreational needs of these patients may be fulfilled. Nursing care homes shall, where required by state law, or regulation, or by municipal ordinance, be licensed by the appropriate state or municipal authority.

Obstruction

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

Office

An enclosed building in which executive, management, administrative, government, or professional services are provided. This use includes but is not limited to corporate offices, government offices, law offices, banks, architectural firms, medical offices, insurance companies, other executive, management or administrative offices for businesses and corporations, and the administration of local, state, or federal government services or functions.

One Hundred Year Floodplain

Lands inundated by the "Regional Flood" see definition below.

Ordinary High Water Level (OHWL)

The boundary of public waters and wetlands, and shall be 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. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outlot

A parcel of land included in a plat which is smaller than the minimum size permitted and which is thereby declared unbuildable until combined with additional land; or a parcel of land which is included in a plat and which is more than double the minimum size and which is thereby subject to future subdivision; or a parcel of land designated as a private roadway in a townhouse development plat.

Overlay District

A zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay districts are often used to protect historic features and natural resources such as shoreland or floodplain.

Owner

Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Unified Development Ordinance.

Parcel

Having the meaning given under [Minnesota Statutes, Section 116G.03](#).

"Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit."

Parking, Accessory Off-Site

A legal arrangement in which parking spaces, located on property other than that of the principal use, are encumbered solely for use by the off-site principal use. Such spaces may be credited to the Unified Development Ordinance parking requirements of the principal use by a conditional use permit if the requirements of Section 5.5.6 are met.

Parking-Joint

An easement agreement over certain property which gives a use located on a nearby or adjacent property the right to make use of parking stalls within the easement area. Such agreements are for the convenience of the respective uses which share the same parking stalls at different times and cannot be used to meet the Unified Development Ordinance parking requirements for the off-site use.

Patio

A constructed hard surface located at ground level with no railings and open to the sky.

Pedestrian Way

The right of way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or however otherwise designated.

Person

An individual, firm partnership, association, corporation or joint venture or organization of any kind.

Personal Services

Establishments providing individual-oriented, nonmedical related services, such as dry cleaning, laundering and dyeing, beauty and barber shops, shoe repair, and related uses. These uses may also include accessory retail sales of products related to the services provided.

Picnic Shelter

A roofed structure open on all sides, accessory to a recreational use.

Planned Unit Development

A method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified site design, a mix of structure types and land uses, and phasing of development over a number of years. Planned unit development includes any conversion of existing structures and land uses that utilize this method of development. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Plat

Having the meaning given under [Minnesota Statutes, Chapter 505](#).

A delineation of one or more existing parcels of land drawn to scale showing all data as required by this chapter, depicting the location and boundaries of lots, blocks, outlots, parks, and public ways."

Plat, Common Interest Community (CIC)

Having the meaning given under [Minnesota Statutes, section 515B.2](#).

A plat required for condominiums and planned communities, and cooperatives in which the unit owner's interests are characterized as real estate.

Porch, Enclosed

A horizontal roofed platform attached to an entrance of a dwelling, with an integrated wall system consisting of roof support members such as pillars, posts or columns, and which is fully enclosed by walls, screens, windows, or removable storm-windows that cannot be accessed from the outside except through a door that is capable of being locked.

Porch, Unenclosed

A horizontal roofed platform attached to an entrance of a dwelling, with a roof support system consisting of pillars, posts or columns, which may or may not have railings or knee-wall railings no higher than 36-inches from the platform level, and which does not include walls, screens, windows, or doors.

Port

A water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, section 458.

Preliminary Plan

The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the planning commission and city council for their consideration.

Primary Conservation Areas

Key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, and significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

Principal Use or Structure

All uses or structures that are not accessory uses or structures.

Private Facilities

Private roads, driveways, and parking areas, private water access and viewing facilities, decks and patios in setback areas, and private signs.

Professional Engineer

An engineer licensed to practice in Minnesota.

Program, Nonresidential

Having the meaning given it in Minnesota Statutes 245A.02, Subd. 10.

Program, Residential

Having the meaning given it in Minnesota Statutes 245A.02, Subd. 14.

Proof Gallon

One liquid gallon of distilled spirits that is 50 percent alcohol at 60 degrees Fahrenheit.

Property Line

The lines bounding the extents of a lot.

Protective Covenants

Contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and for providing mutual protection against undesirable aspects of development which would tend to impair stability of values.

Public Facilities

Public utilities, public transportation facilities, and public recreational facilities.

Public Recreation Facilities

Recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.

Public River Corridor Views

Views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months and documented in the MRCCA plan/chapter of the comprehensive plan.

Public Transportation Facilities

All transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

Public Transportation Terminal

A point of assembly or disassembly of people arriving or departing by means of public transportation.

Public Uses

Uses, facilities and properties owned or operated by a school district, a municipality, county, state, or other governmental units, and any religious institutions such as churches, chapels, temples, synagogues and mosques.

Public Utilities

Electric power facilities, essential services, and transmission services.

Public Waters

Having the meaning given under [Minnesota Statutes, section 103G.005](#).

- 1) water basins assigned a shoreland management classification by the commissioner under [sections 103F.201 to 103F.221](#);
- 2) waters of the state that have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;
- 3) meandered lakes, excluding lakes that have been legally drained;
- 4) water basins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;
- 5) water basins designated as scientific and natural areas under section 84.033;
- 6) water basins located within and totally surrounded by publicly owned lands;
- 7) water basins where the state of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;
- 8) water basins where there is a publicly owned and controlled access that is intended to provide for public access to the water basin;
- 9) natural and altered watercourses with a total drainage area greater than two square miles;
- 10) natural and altered watercourses designated by the commissioner as trout streams; and
- 11) public waters wetlands, unless the statute expressly states otherwise.

Public waters are not determined exclusively by the proprietorship of the underlying, overlying, or surrounding land or by whether it is a body or stream of water that was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union.

Reach

A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Readily Visible

Land and development that are easily seen from the ordinary high water level of the opposite shore during summer months.

Recreational Vehicle

A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Unified Development Ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

Regional Flood

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

Regulatory Flood Protection Elevation (RFPE)

An elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Repetitive Loss

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

Resource Agency

A federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.

Retail Sale

A transfer of title or possession of personal property to a purchaser for a price.

Retaining Wall

A vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.

Right-of-way

That property within the boundary of a street or highway easement, or that property owned by a governmental body for roadway purposes; generally the right-of-way extends beyond the actual surfaced portion of the roadway. The street right-of-way line is coincident with the property line of the abutting property, and is the line generally used in calculating setbacks.

River Corridor Boundary

The boundary approved and adopted by the Metropolitan Council under [Minnesota Statutes, section 116G.06](#), as approved and adopted by the legislature in [Minnesota Statutes, section 116G.15](#), and as legally described in the State Register, volume 43, pages 508 to 518.

River-Dependent Use

The use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

Rock Riprap

Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour, or water or ice erosion.

Roof Line

That line at which an exterior wall surface of a building structure departs from a vertical plane.

Rummage Sale

The infrequent temporary display and sale, by an occupant on his or her premises, of personal property, including general household rummage, used clothing and appliances, provided: the exchange or sale of merchandise is conducted within the residence or accessory structure; the number of sales does not exceed four per year; the duration of the sale does not exceed three consecutive days; any related signage shall conform with the sign Unified Development Ordinance provisions; and the conduct of the sale does not encroach upon the peace, health, safety, or welfare of the citizens of Brooklyn Center.

Sauna

Steam bath, hot water bath, or heat bathing by use of heat lamps, and any such room or facility specially constructed therefor, used for the purposes of bathing, relaxing or reducing utilizing steam, hot air, hot water, or heat lamps as a cleaning, relaxing, or reducing agent.

Selective Vegetation Removal

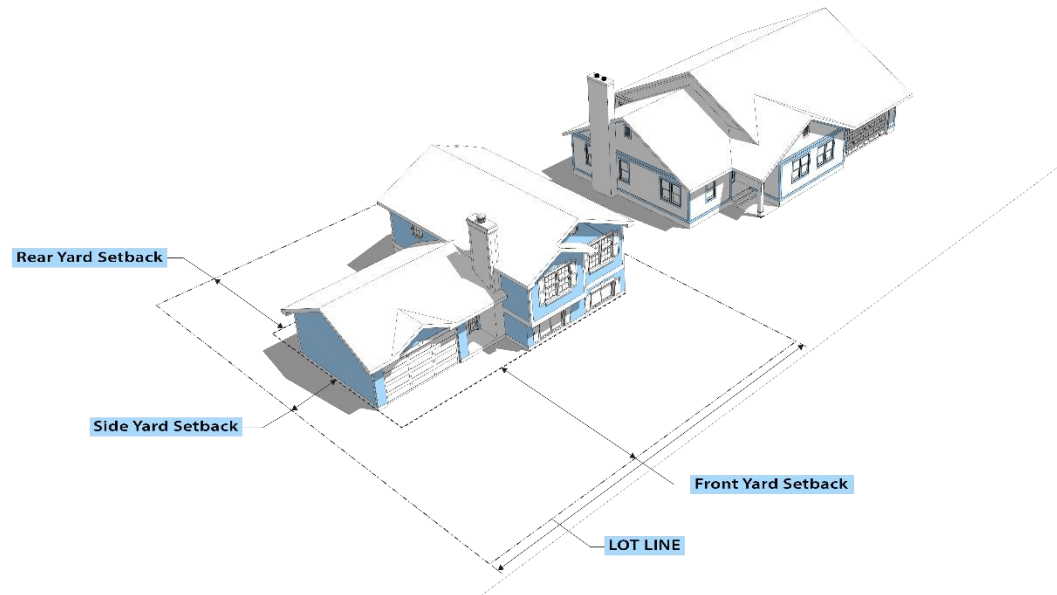
The removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

Service Station (Gas or Filling Station)

Any building or premises used for dispensing, sale or offering for sale at retail any automotive fuels or oils, and where battery, tire, and other similar services may be rendered. When such dispensing, sale or offering for sale of any fuels or oils is incidental to the conduct of a public repair garage, the premises shall be classified as a public repair garage.

Setback

The minimum horizontal distance from a building, hedge, fence, wall or structure to the street or lot line. The setback distance shall be measured from the exterior wall of the building, and no part of any roof cornice or any appendage to the structure shall project to a point more than one-third the distance of the minimum side yard setback.



Severability

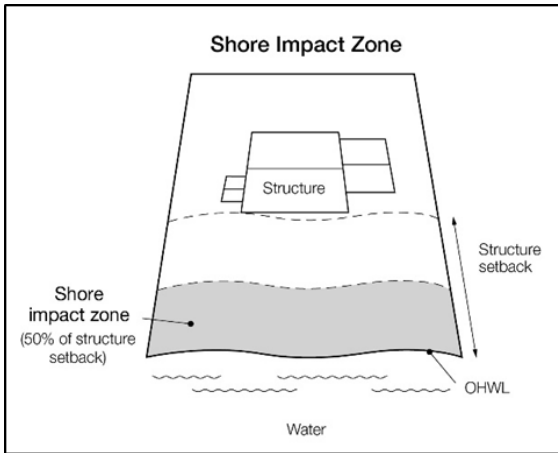
If any section, clause, provision, or portion of this (*section, chapter or article*) is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this (*section, chapter or article*) shall not be affected thereby.

Sexually Oriented Use

An adult entertainment center, adults-only bookstore or video store, or similar use distinguished or characterized by an emphasis on matters or conduct depicting, describing, or relating to nudity, sexual conduct, or other sexually oriented focus.

Shore Impact Zone

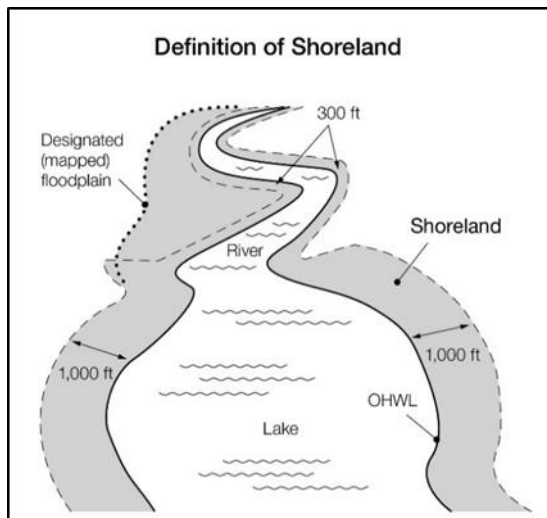
Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback or, for agricultural use, 50 feet landward of the ordinary high water level.



Shoreland

Land located within the following distances from public waters:

- 1) 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and
- 2) 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.



Shore Recreation Facilities

Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

Shoreline Facilities

Facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

Sign

Any publicly displayed message-bearing device for visual communication or any attention attracting device, including any illumination device, that is used for the purpose of bringing the subject thereof to the attention of the public including, but not limited to, any mural, writing, pictorial presentation, number, illustration, illumination, placard, logo, trademark, emblem, decoration, flag, banner, pennant, symbol, valance or similar display.

Sign, Campaign

A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a governmental election.

Sign, Canopy

A roof-like cover that either projects from a building over a door, entrance or window, or a freestanding or projecting roof-like cover above an outdoor service area, such as at a gasoline service station.

Sign, Dynamic Message (DMS)

A dynamic messages sign also known as a changeable messages sign, variable messages sign or other similar name, is an electrical or electromechanical sign on which a message may be placed that can be changed remotely or on site through hard wire or wireless communications.

Sign, Flashing

Any illuminated sign on which the artificial light or color is not maintained at a constant intensity or color when such sign is in use including signs incorporating zooming, twinkling, sparkling, fading or chasing actions. A Dynamic Message Sign or that portion of a sign providing public service information such as time, weather, date, temperature or similar information shall not be considered to be a flashing sign.

Sign, Freestanding

A sign that is not affixed to any part of any building and instead is supported by upright braces or posts placed in the ground.

Sign, Illuminated

Any sign upon which artificial light is directed or which has an interior light source.

Sign, Mural

A design or representation painted on the exterior surface of a structure that does not advertise a business, product, service or activity and may exceed the size or coverage limits applicable to that site.

Sign, Off-Premise Advertising

A sign that directs attention to a business, commodity, service or entertainment not exclusively related to the premises on which the sign is located or to which it is affixed

Sign, Portable

A sign so designed as to be movable from one location to another and not permanently attached to the ground or to any immobile structure. A portable sign may consist of a mobile structure such as a semi-truck trailer or other device whose primary function during a specific time period is to serve as a sign.

Sign, Projecting

A sign that is affixed to the wall of a building and extends outward from the building wall.

Sign, Roof

A sign erected or attached in whole or in part upon the roof of a building or a non-freestanding sign that projects above the roof line of a respective building.

Sign, Rotating

A sign or portion of a sign that turns on an axis.

Sign, Structure

The supports, uprights, bracing and framework for a sign including the sign surface itself. In the case of a wall sign, the sign surface constitutes the sign structure. In the case of a sign structure consisting of two or more sides, where the interior angle formed between any of the sides exceeds 15 degrees each side shall be considered a separate sign structure.

Sign, Temporary

Any sign or other advertising device or display constructed of fabric, canvas, cardboard, wall board, plywood, or other light temporary material, with or without structural frame, intended for a temporary display for a limited period of time. Examples of temporary signs include real estate "for sale," "for rent", and "open house" signs, garage sale signs, signs identifying the architect, engineer or contractor for work currently under construction, signs advertising a temporary event or commercial opportunity and signs that express noncommercial messages.

Sign, Wall

A sign that is affixed upon and parallel to the wall of a building.

Significant Historic Site

Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Solar Collector, Building-Mounted

A system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted to a building.

Solar Collector, Ground-Mounted

A system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted to the ground.

Special Flood Hazard Area

A term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

Special Purpose Units of Government

The University of Minnesota, the St. Paul Port Authority, watershed management organizations established under Minnesota Statutes, chapter 103B, watershed districts established under Minnesota Statutes, chapter 103D, and any other unit of government other than local government or a state or regional agency.

Start of Construction

Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State or Regional Agency

The Metropolitan Airports Commission, Minnesota Historical Society, University of Minnesota, Department of Natural Resources, Department of Transportation, Metropolitan Council and other state agencies.

Stealth

Any telecommunications tower or telecommunications facility which is designed to blend into the surrounding environment.

Steep Slope

A natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 19 percent that are not bluffs.

Storm Water Management Facilities

Facilities for the collection, conveyance, treatment, or disposal of storm water.

Story

Each of the stages, separated by floors, one above another, of which a building consists

Street

A public right-of-way for roadway purposes. Streets may be classified as one of the following:

- 1) Collector Street - A street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and streets for circulation within such development.
- 2) Local Street - A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
- 3) Marginal Access Street - A local street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- 4) Minor Arterial - a fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

Street Line

The common boundary of the street right-of-way and abutting property.

Street Width

The shortest distance between the lines delineating the right of way of a street.

String Lighting

Strings of lights suspended between poles by cables or similar devices generally consisting of a number of bare, incandescent bulbs, but also including those with separate shields suspended from the individual light fixtures.

Structure

Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 3.6.1(i.2). of this Unified Development Ordinance and other similar items.

Structural Alterations

Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.

Subdividor

Any person commencing proceedings under this Unified Development Ordinance to effect a subdivision of land hereunder for himself or for another.

Subdivision

Having the meaning given under [Minnesota Statutes, Section 462.352](#).

"The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

- 1) where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
- 2) creating cemetery lots;
- 3) resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary."

Substantial Damage

Means damage of any origin sustained by a structure where the cost of restoring the structure to it's before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement

Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the " start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

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

Subsurface Sewage Treatment System

Having the meaning given under [Minnesota Rules, part 7080.1100](#).

Either an individual sewage treatment system that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive a sewage design flow of 5,000 gallons per day; or a mid-sized subsurface sewage treatment system of a similar configuration but is designed to receive sewage design flow of greater than 5,000 gallons per day to 10,000 gallons per day.

Suitability Analysis

An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

Telecommunications Facilities

Cables, wires, lines, wave guides, antennae and other equipment or facility associated with the transmission or reception of communications which a person seeks to locate or install upon or near a tower or antenna support structure. The term Telecommunications Facilities shall not include:

- 1) Any satellite earth station two meters in diameter or less which is located in an area zoned industrial or commercial;
- 2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category;
- 3) Amateur radio operators equipment as licensed by the Federal Communications Commission (FCC)

Telecommunications Tower

A self-supporting guyed or monopole structure constructed from grade which supports telecommunications facilities. This term shall not include amateur radio operator equipment, as licensed by the FCC or lattice designed towers.

Temporary Seasonal Swimming Pool

A swimming pool that is removed and not in use before May 1 and after September 30.

Temporary Use

Temporary uses are uses of a temporary or seasonal nature that are accessory or related to the primary use.

Thoroughfare, Major

For the purpose of this Unified Development Ordinance, major thoroughfares include all state, county, and federal highways (including interstate freeways), and the following municipal streets:

- 1) Xerxes Avenue North from T.H. 100 to 59th Avenue North and from F.A.I. 94 to Shingle Creek Parkway.
- 2) Shingle Creek Parkway from C.T.H. 10 to 69th Avenue North.
- 3) France Avenue North from T.H. 100 to 50th Avenue North.
- 4) Humboldt Avenue North from F.A.I. 94 to 70th Avenue North.
- 5) Freeway Boulevard from Xerxes Avenue North to Humboldt Avenue North.
- 6) 69th Avenue North from Shingle Creek Parkway to Brooklyn Boulevard.

Transient Lodging

A multiple living accommodation such as a hotel or motel in which lodging is commonly offered for periods of less than a week but which may include one dwelling unit for a live-in resident manager.

Transmission Services

Electric power lines, cables, pipelines, or conduits that are:

- 1) used to transport power between two points, as identified and defined under [Minnesota Statutes, Section 216E.01, Subd. 4](#); or
- 2) For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two points; and
- 3) Telecommunication lines, cables, pipelines, or conduits.

Treeline

The more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. The treeline is determined during all seasons as if under full foliage.

Twin Cities Metropolitan Area

The area over which the Metropolitan Council has jurisdiction according to [Minnesota Statutes, Section 473.121 Subd. 2](#).

Underlying Zoning

Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.

Unlisted Temporary Use

A temporary use not listed as a temporary use in Section 4.2 Allowed Uses Table.

Urban Agriculture

The use of a parcel of land not exceeding five acres in size for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture, and/or hydroponics. This use may include the production and/or sale of food products from food grown on the premises and accessory keeping of bees subject to City regulations but does not include cultivation of marijuana.

Use

The purpose or activity for which the land or building is designated, arranged or intended, or for which it is occupied or maintained.

Used Car Lot

Any land used or occupied for the purpose of buying and selling secondhand passenger cars and/or trucks.

Variance

Means a modification of a specific permitted development standard required in an official control, including this Unified Development Ordinance, to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a practical difficulty as defined in Section XXX.X.X of this UDO..

Vending Machine

Any self-service device which, upon insertion of a coin, coins or tokens, or by other similar means, dispenses unit servings of food or other goods, either in bulk or in packages without the necessity of replenishing the device between each vending operation.

Wall Supporting the Sign

The aggregate surface area of the wall where the sign is mounted, measured from the ground floor grade to the top floor grade, but not including wall area occupied by windows or doors

Water Access Ramp

A boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.

Water-Dependent Use

The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.

Water-Oriented Accessory Structure or Facility

A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures given the meaning under [Minnesota Statutes, section 103G.245](#) are not a water-oriented accessory structures.

Water Quality Impact Zone

Land within the shore impact zone or within 50 feet of the OWHL of the Mississippi River, whichever is greater, AND within 50 feet of a public water, wetland, or natural drainage way, whichever is greater.

Wetlands

Having the meaning given under [Minnesota Statutes, section 103G.005](#).

"Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water."

Wharf

Having the meaning given under [Minnesota Rules, part 6115.0170](#).

"A permanent structure constructed into navigable waters as a part of a port facility for berthing or mooring commercial watercraft, or for transferring cargo to and from watercraft in an industrial or commercial enterprise, or for loading or unloading passengers from commercial watercraft, or for the operation or a port facility."

Wind Energy System, Small Building-Mounted

A small wind energy conversion system mounted to a building that has a rated capacity of 100 KW or less. The small wind system shall be used to support the energy needs of the principal use on the site.

Wind Energy System, Small Ground-Mounted

A small wind energy conversion system mounted to the ground that has a rated capacity of 100 KW or less. The small wind system shall be used to support the energy needs of the principal use on the site.

Yard

An open space which is unoccupied and unobstructed, except as otherwise permitted by this Unified Development Ordinance. A yard extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, Front

A yard extending along the full width of the front lot line between the side lot lines. Notwithstanding provisions to the contrary, on corner lots, the front yard shall generally be the full width of the yard which the front of the house faces, lying between the side lot line and the opposite lot line abutting a public street.

Yard, Rear

A yard extending along the full width of the rear lot line between the two side lot lines.

Yard, Side

A yard extending along the side lot line between the front and rear lot lines.

Zoning Administrator

The Zoning Administrator shall be the City Manager who may designate other employees or agents of the City to perform the duties of the zoning administrator.