

**Division 2. Land Use Descriptions and Characteristics****Sec. 36-141. Purpose of division.**

The land use categories permitted by this chapter are described by this section. Section 36-3(b)(2) empowers the zoning administrator to make interpretations identifying which land use category a proposed land use fits within.

(Code 1976, § 14:5-3.1)

**Sec. 36-142. Descriptions.**

**(a) Residential uses.** The following are typical of the residential uses referred to in this chapter.

- (1) *Single-family dwelling* means a fully detached dwelling located on an individual lot and intended for occupancy by a single-family.
- (2) *Cluster housing* means dwelling units attached in a single structure, each having a separate private outdoor entrance. Dwelling units may be located on individual lots or on a lot in common. Density shall not exceed that of the applicable zoning district. Characteristics may include a larger building mass and scale and larger concentrations of paved surfaces than single-family detached dwellings.
- (3) *Two-family dwelling* means two dwelling units attached in a single structure, each having a separate outside entrance. Dwelling units may be located on individual lots or on a lot in common.
- (4) *Multiple-family dwelling* means more than two dwelling units contained within a single structure, where each has an entrance off a hallway or balcony in common with at least one other dwelling unit. Buildings tend to be massive in scale and institutional in appearance. Other characteristics may include high density, large parking lots and high traffic generation for the land area occupied by this use.
- (5) *Age-restricted housing* means multiple-family dwellings where a minimum of 60 percent of the units are occupied by single persons at least 55 years of age or by couples with one or both being at least 55 years of age. (Ord. No. 2637-21, 12-6-21)
- (6) *Rooming house* means a building where lodging is provided for between three and eight persons and is the primary residence of the owner. Lodging is available on an extended basis rather than daily or weekly. No provision for cooking is provided in any of the rooms occupied by lodgers.
- (7) *Live-work unit* means a dwelling unit that includes space for the gainful employment of a resident of the dwelling unit and up to two workers who may not be residents of the dwelling unit. The floor area devoted to the business use may not exceed the floor area devoted to the residential use within the unit. Any space that will be used by walk-in customers of the business must be accessible from an exterior entrance that is not used to access other residential units. With the exception of the exterior entrance, the business cannot substantially alter the exterior of the property or substantially affect the character of the neighborhood or the health, safety and welfare of the residents. The business space must be designed to permit conversion to residential space with minimum work and no structural changes. Uses which are not allowed include but are not limited to the following: uses classified as industrial; appliance, small engine and bicycle repair; motor vehicle sales; motor vehicle service and repair; pawnshops; animal handling; bars; food service; restaurants; private entertainment; and sexually oriented businesses.

- (8) *Garage sale* means the temporary sale of home-crafted items and used household goods by the owner, resident and/or neighbors of a property. Garage sales include estate, rummage, basement, yard, porch, or similar sales conducted at a residentially zoned and/or used property.
- (9) *Accessory dwelling unit* means a dwelling unit complying with the Minnesota State Building Code; which is located within a principal single-family residential dwelling or in an accessory structure to a single-family residential dwelling. The types of accessory dwelling unit include the following:
  - a. An attached accessory dwelling unit is located within a principal residential dwelling.
  - b. A detached accessory dwelling unit is located as a freestanding building on the same lot as the principal residential dwelling.

**(b) Human care uses.** The following are typical of the human care uses referred to in this chapter.

- (1) *Adult day care* means a facility that provides care to functionally impaired adults on a regular basis for periods of less than 24 hours in a structure which is not the residence of the person being served or the facility operator. Some characteristics of this use are similar to family day care and nursing homes. This use is appropriate in commercial areas provided there is accessibility to outdoor areas for sitting and exercise. Persons being served are most like nursing home residents.
- (2) *Family day care* means a facility that provides care, protection, and supervision of children in a private residence for periods of less than 24 hours for a fee. The size of the outdoor play area, the maximum number of children who may be served, and the number and qualifications of required outside teachers or helpers are set forth in state law which may be amended from time to time. This use may be licensed by other agencies. It generates about four vehicle trip ends per child per day.
- (3) *Group day care/nursery school* means a nonresidential facility where childcare, protection and supervision services are provided for a fee on a regular basis for periods of less than 24 hours. This use requires a large, sensitively located outdoor play area and it generates about four vehicle trips per child per day.
- (4) *State-licensed residential facility* means a state-licensed and state-mandated residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time. The use includes outpatient group counseling, some supervision and treatment programs. The maximum number of clients served is specified by state law which may be amended from time to time. Persons served may include the mentally retarded and severely physically handicapped.
- (5) *Group home/non-statutory* means occupancy of a residential structure by persons in need of specialized treatment or protection and resident staff who usually live together as a housekeeping unit for a limited period of time. This use may include outpatient group counseling, some supervision, forced detention, treatment for mental illness and drug addiction, protective shelter, half-way house, and release programs. The facility may be licensed by the state but is not mandated.
- (6) *Hospital* means a facility which provides health services primarily for human inpatient medical or surgical care, including related facilities, such as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Characteristics include large institutionally designed buildings, large volumes of traffic, large parking lots or ramps, 24-hour activity, service vehicles, large quantities of waste, and emergency vehicles.

- (7) *Medical/dental office* means a facility which provides direct delivery of health-related examination and services or treatment to customers on an appointment or walk-in basis; and includes counseling, consultation, chiropractic, and podiatry. The use may include a supporting retail component for medicine, health-related food, or other product.
- (8) *Nursing home* means a licensed health care facility providing lodging and 24-hour care for medically or physically impaired persons usually on a long-term basis. Residents of the facility do not have private apartments or kitchens. This use includes a food service and may include supporting medical and retail services for the residents. A quiet area is preferred. (Ord. No. 2267-04, 4-12-04)
- (9) *Funeral home* means a facility where funeral services are held and where embalming and other processes occur in preparation of the dead for burial. It may include the storage of caskets, funeral urns and other related funeral supplies, and it usually provides vehicles to transport the dead to the place of burial. This use does not include a crematorium. Characteristics include intermittent periods of high traffic generation.

**(c) Institutional uses.** The following are typical of the institutional uses referred to in this chapter.

- (1) *Antenna* means any free-standing structure or device attached to a building, pole, tower, utility structure, or similar structure used for the purpose of collecting or transmitting electromagnetic waves through the air, including but not limited to small wireless facilities, wireless facilities, wireless telecommunication facilities, directional antennas, such as panels, microwaves dishes, and satellite dishes, and omni-directional antennas, such as whip antennas, except for Building-Mounted antennas for private use on the premises where it is located, such as amateur radio antennas, and antennas receiving television or radio signals.  
(Ord. No. 2367-09, 1-23-09; Ord. No. 2555-19, 3-18-19)
- (2) *Communication tower* means a free-standing structure the primary purpose of which is to support one or more antennae and includes accessory uses directly related to the tower, such as utility buildings. Communication tower includes wireless support structure.  
(Ord. No. 2367-09, 1-23-09; Ord. No. 2555-19, 3-18-19)
- (3) *Community centers* means a place, structure, area or other facility which is open to the public and designed to accommodate and serve significant segments of the community and which is used for educational, religious, fraternal, social and recreational programs. This use may include accessory food service and accessory retail shops.
- (4) *Education/academic.*
  - a. *Public* means neighborhood or district based education services normally provided to children through young adult age. The use may include evening or off-hour service to adults in the community. This use generally includes an accessory food service and some retail facilities to serve students and facility.
  - b. *Private* means community or regional based education services normally provided to persons through young adult age. The facilities are similar to public education facilities.
- (5) *Library* means a facility where collections of books and other materials are housed in a building which is open to the public during regularly scheduled hours which may include

weekend days and evenings. Books and other materials may be available for loan. Characteristics may include high parking demand and high traffic generation.

- (6) *Museums/art galleries* means a facility which houses collections of artifacts, paintings or sculpture in a building which is open to the public during regularly scheduled hours which may include weekend days and evenings.
- (7) *Parks/open space* means passive recreation including hiking trails, natural areas, wild life areas, arboretums, open grass areas and tot lot.
- (8) *Parks/recreation* means areas for active outdoor recreation activities such as baseball diamonds, tennis courts, basketball courts, playfields, playgrounds, outdoor swimming pools, fitness courses and driving ranges.
- (9) *Police/fire stations* means facilities designed to serve the public health and safety. They may include an office component, the storage of fire trucks, police cars and equipment, and the boarding of personnel within an enclosed building. Characteristics may include sporadic periods of loud noise, sirens, and activity.
- (10) *Public service structure* means facilities which include water towers, utility and public service related distribution facilities, and wastewater and storm drainage structures, but exclude utility substations. These facilities are normally serviced by small trucks several times per day and by larger vehicles or equipment on a periodic basis. Associated buildings typically have large windowless walls and an institutional appearance.
- (11) *Religious institution* means a facility where people gather to relate or manifest faithful devotion to an acknowledged ultimate reality or deity. This use is characterized by meeting rooms, education and training about the religion, worship practice, indoor activities, intermittent parking needs, group singing or chanting, and music. The assembly typically meets on weekends or evenings. Accessory uses which may accompany the principal use include day care, park and ride, and dwelling units for clergy, employees, or persons similarly associated with the Religious Institution. (Ord. No. 2514-17, 3-20-17)
- (12) *Utility substation* means a structure of electrical components to transform high voltage electricity into lesser voltages to make it suitable for distribution to end users. The use consists of a large structure and numerous power lines which are difficult to screen and are classified as land use intensity 10. This use has minimal outdoor activity and traffic generation.
- (13) *Golf course* means a facility for playing golf outdoors which consists of golf holes, clubhouse facilities which may contain lockers, shower rooms and incidental sale of golf related items, and off-street parking facilities.
- (14) *Country club* means a golf course and associated clubhouse which may contain locker and shower rooms, dining and bar facilities, meeting rooms and other spaces for large social functions. Country clubs are typically open only to members and characteristics may include significant trip generation on evenings and weekends.
- (15) *Mikvah pool* means a ceremonial pool that is constructed to meet certain traditional requirements to serve primarily Jewish women. The use is characterized by very low traffic volumes primarily during evening hours.

- (16) *Micro wireless facility.* A small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches. (Ord. No. 2555-19, 3-18-19)
- (17) *Small wireless facility.* (Ord. No. 2555-19, 3-18-19)
- a. A wireless facility that meets both of the following qualifications:
- (i) Each antenna is located inside an enclosure of no more than six cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and
- (ii) All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfers switches, cutoff switches, cable, conduit, vertical cable runs for connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or
- b. A micro wireless facility
- (18) *Wireless facility.* Equipment at a fixed location that enables the provision of wireless services between user and equipment and a wireless service network, including: (1) equipment associated with wireless service; (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) a small wireless facility. Wireless facility does not include: (1) wireless support structures, (2) wireline backhaul facilities, or (3) coaxial or fiber-optic cables between utility poles or wireless support structures, or that are not otherwise immediately adjacent to or directly associated with a specific antenna. (Ord. No. 2555-19, 3-18-19)
- (19) *Wireless service.* Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi whether at a fixed location or by means of a mobile device that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the *Communications Act of 1934*, as amended, including a cable service under United States Code, title 47, section 522 clause (6). (Ord. No. 2555-19, 3-18-19)
- (20) *Wireless support structure.* A new or existing structure designed to support or capable of *supporting* small wireless facilities, as reasonably determined by the city. (Ord. No. 2555-19, 3-18-19)
- (21) *Wireless telecommunication facility.* Equipment used to provide wireless telecommunication or data services, including all antennas, radios, support devices, equipment including ground equipment, associated cables, and attachments. (Ord. No. 2555-19, 3-18-19)
- (Ord. No. 2555-19, 3-18-19)

**(d) Commercial uses.** The following are typical of the commercial uses referred to in this chapter.

- (1) *Animal handling* means the sale, boarding, treatment and care of privately-owned small animal pets which may include dogs, cats, other mammals, fish and reptiles but excludes large animals such as horses, farm animals or animals raised for slaughter. Characteristics may include special refuse, storage, noise, odor and other nuisance characteristics.
- (2) *Animal handling, limited* means any animal handling use such as veterinary clinics, pet stores, and pet grooming that do not include boarding, daycare, or outdoor off leash recreation space for animals. The use may require an animal to be kept overnight on-site for treatment but does not include boarding or animal daycares. (Ord. No. 2621-21, 7-6-2021)
- (3) *Appliance, small engine, and bicycle repair* means maintenance and repair of appliances, small engines, bicycles, and similar items. Characteristics include some outdoor activity and noise.
- (4) *Automatic carwash* means a facility designed to wash automobiles and light trucks with little or no human intervention. The facility utilizes automated equipment and wash cycles are relatively short. These facilities are typically accessory to other automotive related land uses and may sporadically cause congestion on its site.
- (5) *Bank* means a facility for the deposit, management, and lending of money, frequently with accessory drive-up facility. This use includes banks and savings and loans but not insurance companies and stock brokerage firms. Characteristics may include high peak hour traffic on certain days.
- (6) *Bar* means a facility where the primary use is the sale of alcoholic beverages for consumption on the premises. Minors are excluded from entry by law. Characteristics include late hours, high parking demand, noise, trash and litter and heavy off-peak traffic. Use is often found in conjunction with restaurants, hotels and night clubs.
- (7) *Bed and breakfast establishment* means a private, owner-occupied residence with guestrooms where temporary lodging facilities and some meals are provided to paying lodgers within single-family or two-family dwellings. The lodging is subordinate and incidental to the main residential use of the building. Indoor recreational facilities for the use of the residents and paying lodgers may be included.
- (8) *Brewery* means a facility that manufactures alcoholic and nonalcoholic malt liquor. This definition does not include breweries operated in conjunction with a restaurant as an accessory use. (Ord. No. 2449-13, 11-15-2013)
- (9) *Business/trade school/college* means a training establishment or institution serving adults and sometimes high school age persons which provides training and/or education toward a skill, license or degree. (Ord. No. 2358-08, 8-14-08)
- (10) *Coffee shop* means an establishment that primarily sells coffee and coffee-related accessories. They may also sell other refreshment items such as donuts, bagels, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages. Limited indoor seating is generally provided for patrons, but table service is not provided.
- (11) *Convention and exhibition center* means a facility providing large and small meeting rooms for the assembly of persons and the display of products and information. It may include banquet kitchens and facilities. Characteristics include heavy parking and loading area requirements and large-scale buildings.

- (12) *Currency exchange* means any business or person except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company that is engaged in the business of cashing checks, drafts, money orders, or traveler's checks for a fee. (Ord. No. 2349-08, 02-22-08)
- (13) *Dry cleaning, laundering with route pickup and delivery*, means a facility where clothing, diapers, or other fabrics are cleaned by dry cleaning or laundering processes. Materials to be cleaned may be brought to the site either by pickup and delivery trucks operated as part of the business or by customers who drop off and pick up their own materials to be cleaned. The use may include the storage of delivery vehicles on the site.
- (14) *Firearms sales* means a retail use that includes the sale, lease, or purchase of firearms or ammunition. (Ord. No. 2449-13, 11-15-2013)
- (15) *Food service* means the on-site sale of food and beverages which are prepared and served in individual portions in a ready to consume state for consumption either on-site or off-site, including seating for not more than ten persons. Characteristics may include truck and vehicle traffic, cooking odors and refuse. The preferred location is on major thoroughfares with no access to local residential streets. This use is often found in conjunction with motor fuel stations and grocery stores.
- (16) *Home occupation* means an occupation, profession, or activity conducted in a dwelling unit, which is clearly an incidental and subordinate use to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood. (Ord. No. 2562-19, 6-17-19)
- (17) *Hostel* means a lodging facility operated under the auspices of a national or international hostel organization which has dormitory rooms available for rent by members. The facility has common cooking and eating facilities and may have common restroom facilities. The duration of stay is typically short and the facility has a resident manager.
- (18) *Hotel/motel* means facilities which provide overnight lodging in individual rooms or suites of rooms, each having a private bathroom, which are rented by day or week. These facilities may include in-room or in-suite kitchens and recreational facilities for use by lodgers. Restaurants, banquet rooms, arcades, fitness centers and other facilities available to non-lodgers are not considered accessory uses.
- (19) *In-vehicle sales or service* means sales or service to persons in vehicles. It may include drive-in, drive-up and drive-through facilities, but does not include motor fuel stations. Characteristics include high traffic volumes during the typical peak hour traffic period.
- (20) *Liquor store* means a facility principally for the retail sale of pre-packaged alcoholic beverages for off-premises consumption. (Ord. No. 2449-13, 11-15-2013)
- (21) *Marijuana dispensary* means a dispensary location where patients or consumers can access cannabis in a legal and safe manner. Users get assistance from experts (bud tenders) who find an optimal dosage and recommend the delivery method to achieve optimal results when using medical cannabis. (Ord. No. 2602-21, 1-4-21)

- (22) *Medical and dental laboratories* mean facilities in which individually produced and made to order medical and dental prosthetics are crafted for the specific needs of specific individuals. Characteristics may include hours of operation of 7:00 a.m. to 6:00 p.m.; daily deliveries to and from the facilities by car, van or light truck; minimal heavy truck traffic; no use of outside storage and occasional visitation of facilities by customers needing specialized attention as to the make-up and fit of their specific prosthesis.
- (23) *Micro distillery* means a distillery producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year. (Ord. 2492-16, 5-16-16)
- (24) *Micro distillery cocktail room*. The on-sale sale of distilled liquor produced by the distiller on the premises of or adjacent to a micro distillery location owned by a distiller. (Ord. 2492-16, 5-16-16)
- (25) *Motor fuel station* means a facility which supplies and dispenses at retail motor fuels, including electrical charging, directly into a motor vehicle; it also includes the sale of lubricants, batteries, tires and motor vehicle accessories. Motor fuels may be self-serve or dispensed by an attendant. Light maintenance activities to vehicles including engine tune-ups, lubrication, repairs, and carburetor cleaning may also be conducted. Motor fuel stations may also include facilities for the retail electric charging of vehicles. Characteristics include outdoor activity, high traffic generation and extended hours of operation. This use excludes heavy automobile repair including, but not limited to, engine overhauls, automobile painting, and bodywork. (Ord. No. 2551-19, 1-22-19)
- (26) *Motor vehicle sales* means display, sale, and rental of automobiles, trucks and recreational vehicles from an indoor showroom facility and may include an outdoor sales lot; motor vehicle service and repair and autobody/painting often occur in conjunction with this use. Characteristics may include outdoor activity, banners and lights for promotion and advertising, outdoor sound systems, truck deliveries, night and weekend operating hours, and test driving on nearby streets. (Ord. No. 2248-03, 8-18-03)
- (27) *Motor vehicles service and repair* means repair, lubrication, washing, detailing, equipment installation, engine overhauls, and other similar uses involving automobiles, trucks and recreational vehicles. Characteristics may include the storage of vehicles, truck traffic, night and weekend operating hours; motor fuel stations and autobody/painting are excluded.
- (28) *Office* means a facility in which the handling of information or the performing of administrative services is conducted. It includes services provided to persons both on-site and off-site on a walk in or appointment basis such as counseling or indirect or nonpersonal service such as real estate, travel agencies, financial agencies, insurance offices and professional offices. This description excludes hospitals or other medical facilities; except it may include up to a maximum of ten percent of the gross floor area in medical or dental offices. Characteristics include high peak period traffic generation and 8:00 a.m. to 5:00 p.m. hours of operation.
- (29) *Outdoor sales* means the display and sale or rental of merchandise or equipment outside of an enclosed building. It may include boat sales, canoe sales, nursery sales; but it excludes the sale of motor vehicles.



- (30) *Pawnshop* means a facility where money is loaned based on the value of goods deposited at the facility by the borrower of the money, which goods are held by the lender of the money occupying the facility as collateral for the loan. Items held by the lender which are not redeemed by a borrower may be put up for sale at the facility to the general public. The term pawnshop includes a facility where all or any part of the pawnshop activities are conducted. (Ord. No. 2349-08, 2-22-08)
- (31) *Payday loan agency* means any business that has as its primary activity the providing of short-term loans for the borrower's own personal, family, or household purpose which are usually for a period of forty-five (45) days or less. Payday loan agencies do not include banks. (Ord. No. 2349-08, 2-22-08)
- (32) *Places of Assembly* are facilities designed to accommodate larger groups of people having shared goals, desires or interests that are not customarily business related. Social, educational, recreational, religious, and dining activities may be included. Characteristics may include large group meetings or activities with peak parking demands and noise. If the floor area devoted to food or beverage sales exceeds 50% of the total gross floor area, the facility will be classified as a restaurant. (Ord. No. 2311-06, 1-18-06)
- (33) *Post office customer service* means the retail/customer service portion of the post office function that includes customer drop off of packages and mail; sale to the public of stamps, money orders, insurance, envelopes and packaging materials, and other mail services; and post office boxes. Characteristics include hours similar to offices and Saturday mornings, high volumes of automobile traffic and some truck traffic. Mail sorting for mail route delivery and distribution are not part of this land use.
- (34) *Printing process/supply* means a facility in which retail-oriented graphic and photographic reproductive services are conducted. This does not include industrial operations where printing is of a commercial nature.
- (35) *Private entertainment (indoor)* means entertainment services provided entirely within an enclosed building. It includes theaters, health or fitness centers, bowling alleys, arcades, roller rinks, and pool halls. Characteristics may include late operating hours, outdoor lighting, noise, and traffic.
- (36) *Restaurant* means an establishment whose principal business is the sale of food and beverages which are prepared and served in individual portions in a ready-to-consume state for consumption on site. This use is often found in conjunction with bars, hotels, and food service. It is preferably located on major thoroughfares with no access to residential streets. Characteristics include late hours of operation, refuse, high car and truck traffic generation, and cooking odors. Outdoor seating for restaurants is considered part of the principal use and does not require additional parking. A food service or deli is not considered to be a restaurant if seating is provided for ten or fewer persons. Restaurant uses are divided into the following subcategories:
- a. *Restaurant, sit-down*: Sit-down eating establishments that may allow or require reservations. Patrons commonly wait to be seated, are served by wait staff, order from a menu, and pay after the meal. Lounge or bar facilities may be accessory uses.
  - b. *Restaurant, fast-food with or without drive-through window*: This restaurant type features large carry-out clientele, long hours of service, and high turnover rate for eat-in customers (around 30 minutes). There is no or limited table service, and customers typically order from a menu board and pay before receiving the meal.

- (37) *Retail* means a facility where merchandise or equipment is displayed and rented or sold and where delivery of merchandise or equipment to the ultimate consumer is made. This use includes limited production, repair or processing as an accessory use. Hours of operation generally begin after the a.m. peak traffic period and extend to time ranges from 5:00 p.m. to 10:00 p.m.; although some convenience stores and grocery stores are open 24 hours per day. Characteristics generally include high parking demand and high off-peak traffic generation; generally prefers high visibility and access to major thoroughfares. This use includes but is not limited to camera shops, clothing stores, department stores, grocery stores, discount stores, jewelry stores, delicatessens, retail bakeries, toy stores; but excludes restaurants, bars, pawn shops, motor vehicle sales, motor fuel stations, and large item retail.
- (38) *Retail, large item* means a facility where large item merchandise or equipment is displayed and rented or sold and where delivery of merchandise or equipment to the ultimate customer is made. Characteristics generally include hours of operation between 9:00 a.m. and 9:00 p.m. weekdays and weekends. The parking demand per square foot of building area is normally less than the demand for general retail. This use includes but is not limited to, furniture stores, carpet stores, large appliance stores; but excludes motor vehicle sales, pawnshops, and retail.
- (39) *Service* means on-site service provided directly to an individual. This use includes barbershops, beauty shops, therapeutic massage, nail salon, laundromats, shoe repair shops, and dry cleaners where articles to be cleaned are picked up and delivered by the patron. This use excludes pawnshops. (Ord. No. 2358-08, 8-14-08)
- (40) *Sexually oriented business* means any limited impact sexually oriented business or any high impact sexually oriented business.
- a. *Limited impact sexually-oriented business* means a business where sexually-oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided, and which meets the following restrictions:
1. All sexually oriented materials must be provided for use or entertainment off the business premises only.
  2. All sexually oriented materials must be provided from a separate area to which persons under the age of 18 years are prohibited access.
  3. The separate area may not exceed a maximum of 20 percent of the retail floor area of the establishment, or 300 square feet, whichever is less.
  4. No person outside the separate area shall be able to perceive or observe any sexually oriented materials at any time, including when someone is entering or exiting the separate area, shopping, or purchasing sexually oriented materials.
  5. A sign must be displayed on the entrance to the separate area, which shall read: "No person under the age of 18 years is allowed in this area." The sign letter shall be a minimum of two inches high; and
  6. The entry into the separate area shall be visible to an employee of the business at all times.

- b. *High impact sexually oriented business* means any business with materials or entertainment which are principally related to sexual stimulation or gratification other than a limited impact sexually oriented business. Examples of a high impact sexually oriented business include the following:
1. A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, exhibited, or otherwise provided for use or entertainment on the business premises.
  2. A business where specified sexual activities (as defined herein) are explicitly verbally described or shown.
  3. A business where specified anatomical areas (as defined herein) are explicitly verbally described or shown.
  4. A business providing sexually oriented materials for off-site use or entertainment, which has a separate area but does not meet the size or other restrictions to qualify as a limited impact sexually oriented businesses; and
  5. A business providing sexually oriented materials for off-site use or entertainment, where the sexually oriented materials are dispersed within the business rather than isolated in a separate area.
- c. *Definitions.* For the purpose of this subsection, the following definitions shall apply:
1. *Sexually-oriented materials* means visual, printed, or aural materials, and other objects or devices, which:
    - i. Contain, depict, or describe specified sexual activities or specified anatomical areas; and
    - ii. Are marketed for use in conjunction with, or are primarily used only with or during, the specified sexual activities described in subsections (a)(28)c.3.ii., (a)(28)c.3.iii. and (a)(28)c.3.vi. of this section, or as part of the binding, fettering, or other physical restraint described in subsection (a)(28)c.3.v. of this section.
  2. *Specified anatomical areas* means:
    - i. Less than completely and opaquely covered human genitals, pubic area, buttock, anus, or female breast below a point immediately above the top of the areola; and
    - ii. Human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.
  3. *Specified sexual activities* means:
    - i. Actual or simulated sexual intercourse of any kind involving two humans, or one human and an animal or object.
    - ii. Actual or simulated masturbation.
    - iii. Actual or simulated sadism or masochism.
    - iv. Actual or simulated sexual stimulation of any kind.
    - v. Situations involving a person who is nude, clad in undergarments, or in a revealing costume, and who is engaged in activities involving binding, fettering, or other physical restraint of that or another person; and
    - vi. Sexually oriented touching of an animal by a human.

- d. *Sexually oriented businesses.* Sexually oriented businesses exclude the following:
1. Any material with significant literary content or social commentary.
  2. A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided for off-site use or entertainment, if: the material harmful to minors on each item is blocked from view by an opaque cover as required under M.S.A. § 617.293, and each item is behind the counter and accessible only by an employee of the business.
  3. Displays of sexually oriented materials may occur up to six times per year without rendering a business a high impact sexually oriented business, if the displays are limited to an area which has been leased to a person or business for their exclusive occupancy for a private party, and the only people in attendance have received advance invitation from that person or company.
  4. Any person or organization exempted under M.S.A. § 617.295.
  5. Any activity regulated under M.S.A. § 617.251.
  6. Any business may display works of art showing specified anatomical areas, so long as no sexually oriented materials are for sale, and the business does not have a liquor license.
  7. Movies rated G, GP, PG-13, or R.

(39) *Shopping center* means a group of commercial uses planned, owned, and managed as a unit that has common parking facilities. Shopping centers may include more than one building and more than one contiguous property and owner if approved under a single conditional use permit or planned unit development. (Ord. No. 2248-03)

(40) *Studio* means a facility where the practice or study of the visual and audio arts occurs. This use may include painting, sculpturing, photography, recording, radio and television studios. This use also includes dance studios and studios for the martial arts. This use does not include large industrial photography or printing processes. (Ord. No. 2349-08)

(41) *Taproom* means a facility where on-sale of malt liquor produced by the brewer for consumption on the premises of, or adjacent to, the brewery location owned by the brewer at which the malt liquor is produced. (Ord. No. 2449-13)

(Ord. No. 2637-21, 12-6-21)

**(e) Industrial uses.** The following are typical of the industrial uses referred to in this chapter.

- (1) *Anaerobic digester* is an enclosed system in which controlled anaerobic digestion occurs, converting organic material into end-products such as biogas, fertilizer, water, or other solids. Characteristics may include truck traffic, odor or noises. (Ord. No. 2452-14)
- (2) *Autobody/painting* means a facility for painting, straightening, replacing, and repairing the frame and body parts of motor vehicles usually damaged as result of an accident. It includes the outdoor storage of damaged and dismantled vehicles, and may generate odor and noise. This use excludes junkyards and automobile wrecking yards.
- (3) *Catering* means an operation where food is either fully or partially prepared on site and delivered to the customer off site for final preparation and consumption. Characteristics include truck traffic, refuse storage issues, limited on-site public contact, and possible odors from materials and processing.

- (4) *Composting operation* means the collection, storage, processing, disposal, and distribution of vegetation. Characteristics may include odor, unsightly appearance, truck traffic and heavy equipment. Recycling of nonorganic materials is excluded.
- (5) *Freight terminal* means short term storage and transshipment of materials and the outdoor storage of trucks and related equipment. Characteristics include high volumes of large truck traffic.
- (6) *Light Assembly* means an operation that provides for a limited range of low intensity assembly activities, such as creating, repairing, or renovating products inside a fully enclosed building with minimal external effects. Light Assembly does not result in noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties. Such uses may be associated with small offices or warehousing operations. (Ord. No. 2414-12)
- (7) *Low Impact Manufacturing & Processing* means a facility that engages in the production of a physical commodity or changing the form of a raw ingredient within a fully enclosed structure. Such uses do not result in noxious or offensive odors, sounds, vibrations, emissions, smoke or external nuisances upon adjacent properties. It may include administrative offices, warehousing and distribution. This use does not include outdoor storage or overnight outdoor storage of commercial vehicles. (Ord. No. 2414-12)
- (8) *Manufacturing/processing* means a facility for the production of a physical commodity or changing the form of a raw ingredient. It may include administrative offices, warehousing, and limited distribution and sale of a commodity. Characteristics may include heavy truck traffic, odor and noise of processes and equipment, refuse storage issues, and the use of toxic and hazardous materials. Concrete plants, junkyards, slaughterhouses, rendering plants, salvage yards, and auto reduction plants are excluded.
- (9) *Office warehouse* means a facility in which the handling of information or the performing of administrative services is conducted in conjunction with receiving, holding, shipping and occasional packaging of commodities. Characteristics include high peak period traffic generation and 8:00 a.m. to 5:00 p.m. hours of operation, high truck traffic generation and parking demand.
- (10) *Outdoor storage* means the receiving, keeping, and shipping of goods and materials outside of an enclosed building where outdoor activity includes only the unloading, loading, and keeping of materials. This use may include storage yards for contractors, equipment, lumber, landscaping materials, construction materials and shipping materials. Storage of unlicensed or inoperable vehicles or other materials typically associated with a junkyard, salvage yard or auto reduction plant are excluded.
- (11) *Parcel delivery service/post office* means a facility for the transshipment of letters and packages generally less than 100 pounds in weight. Customers may purchase stamps, money orders, insurance, and other mail services. Hours of operation are similar to those of offices, but may include Saturdays. Characteristics include high volumes of truck and automobile traffic and vehicles stored on premises overnight.
- (12) *Recycling operation* means a facility located within an enclosed building for the collection, sorting, temporary storage, and shipment of recoverable resources including, but not limited to, newspapers, cardboard, glassware, metal cans and plastic.

- (13) *Research and Development* means a facility for basic and applied research or product development. It may include the testing of agricultural, biological, chemical, magnetic, mechanical, optical or other components in advance of product manufacturing. The work completed may result in the creation of new goods or new intellectual property. Research and Development does not result in noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties. This use does not involve the fabrication, mass manufacture, or processing of products.  
(Ord. No. 2414-12, 6-1-12)
- (14) *Showroom* means the display only of samples of merchandise and equipment where a sales agreement with a consumer is conducted and delivery of purchased merchandise is made from a warehouse that is not accessible to the consumer and is physically separated from the showroom by a minimum eight-foot-tall permanent wall. Merchandise or equipment which is displayed is typically large bulky items and includes, but is not limited to, furniture, appliances, plumbing fixtures, lighting, and carpeting. Characteristics include hours of operation between 9:00 a.m. and 9:00 p.m. weekdays and during some weekend hours.
- (15) *Warehouse/storage* means a facility for receiving, holding, shipping and occasional packaging of commodities. With the exception of loading and unloading of commodities, and parking and storage of trailers, all functions shall be within an enclosed building. Characteristics may include high truck traffic generation and low parking demand. This use may include, but is not limited to, conventional warehouse facilities, mini warehouse, and joint warehouse and storage facilities.

**(f) Transportation uses.** The following are typical of the transportation uses referred to in this chapter:

- (1) *Heliport* means a facility for the landing, taking off, basing, service, and repair of helicopters used for transportation purposes. Characteristics include noise and the outdoor storage of helicopters.
- (2) *Helistop* means a facility for the landing and taking off of helicopters used for transportation purposes but with no facilities for the service of helicopters. Characteristics include intermittent periods of noise.
- (3) *Off-street parking areas* means private off-street parking spaces that are not accessible to the public. (Ord. No. 2444-13, 8-30-13)
- (4) *Parking lots* means surfaced and improved ground surface areas used for the parking of licensed and operable motor vehicles for periods of less than 24 hours.
- (5) *Parking ramp* means a structure built for the storage of licensed, operable motor vehicles for periods of less than 24 hours. Characteristics may include noise, exhaust fume odor, heavy traffic and large structure mass and footprint.
- (6) *Transit stations* means on-site loading, unloading and transferring of passengers on, off or between public transportation ground vehicles. Parking lots and parking ramps frequently are located in conjunction with the station.

**(g) Temporary uses.** The following are typical of the temporary uses referred to in this chapter:

- (1) *Agricultural commodities sales* means the temporary display and sale of Christmas trees and other greens which are associated with Christmas, flowers and produce.
- (2) *Building construction structure* means a structure used by a contractor or leasing agent as an office or for storage purposes for a construction project for which a building permit has been secured and is in effect. This use includes construction trailers, sales and leasing.
- (3) *Carnival and festivals* mean carnivals, festivals, community art fairs, and other activities that include uses such as entertainment, amusement rides, and/or the sale of food and merchandise. This use shall not include sales or promotional events offered by businesses with the intent of selling product or services identical or similar to those typically sold or conducted on the lot.
- (4) *Mobile Use* means a commercial activity conducted as a temporary use within a vehicle.
- (5) *Mobile Use-Food* means a vehicle or cart used to sell food and/or beverages to the consumer. It may or may not involve preparation of the food or beverage inside the vehicle. (Ord. No. 2563-19, 7-15-19)
- (6) *Mobile Use-Medical* means a vehicle used for the following: blood mobiles, immunization, medical evaluation, imaging, diagnostic or testing procedure. Mobile Use-Medical also includes pet care when limited to immunizations and exams. Mobile Use – Medical does not include massage or any type of treatment or surgery.
- (7) *On-site equipment storage* means any structure or outdoor storage area designed for the on-site storage of construction equipment and materials for an active construction project.
- (8) *Outdoor sales, temporary*, means the display and sale of merchandise other than agricultural commodities outside of an enclosed building where it is offered in conjunction with an established use that legally sells the same or similar merchandise within a building on the same site. Characteristics include the use of tents, trailers, or other temporary structures.
- (9) *Pollution abatement equipment* means equipment and structures that are erected or installed on a property for the purpose of eliminating or abating ground or water pollution.
- (10) *Temporary structure* means a building other than a construction structure used for a period not exceeding six months.

(Code 1976, § 14:5-3.2; Ord. No. 2168-00, 5-15-2000; Ord. No. 2188-01, 2-5-2001; Ord. No. 2220-02, § 2, 3-18-2002; Ord. No. 2225-02, § 2, 6-3-2002; Ord. No. 2228-02, § 2, 7-15-2002; Ord. No. 2234-02, § 2, 12-2-2002; Ord. No. 2311-06, 1-27-2006; Ord. No. 2349-08, 2-22-2008; Ord. No. 2358-08, 8-14-2008; Ord. No. 2367-09, 1-23-2009; Ord. No. 2369-09, 1-30-2009; Ord. No. 2402-11, 8-12-2011; Ord. No. 2414-12, 6-1-2012; Ord. No. 2443-13, 7-13-2013; Ord. No. 2444-13, 8-5-2013; Ord. No. 2449-13, 11-15-2013; Ord. No. 2452-14, 5-2-2014, Ord. 2492-16, 5-16-16; Ord. No. 2514-17, 3-20-17; Ord. No. 2551-19, 1-22-19; Ord. No. 2562-19, 6-17-19; Ord. No. 2563-19, 7-15-19; Ord. No. 2596-20, 10-19-20; Ord. No. 2602-21, 1-4-21; Ord. No. 2621-21, 7-6-2021; Ord. No. 2637-21, 12-6-21)

**Secs. 36-143--36-149. Reserved.**