

# CHAPTER 25: ZONING

## ARTICLE 2. DEFINITIONS

### Sec. 25-08 Rules of Construction and Definitions.

For the purpose of this Ordinance, certain words and terms are defined as follows.

Words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "building" shall also mean the word "structure"; the word "shall" is mandatory and not directory; and the word "may" is discretionary.

**Accessory Building:** A subordinate building or portion of the main building which is located on the same lot as the main building and use of which is clearly incidental to the use of the main building. Garages and storage sheds are examples of Accessory buildings.

**Agriculture/Farming:** The cultivation of the soil and all activities incident thereto, but not including the raising of farm animals.

**Alley:** A public thoroughfare less than twenty (20) feet in width for use of motorized vehicles.

**Animal Hospital:** A building where animals are treated for injury or disease, including premises for boarding of animals being treated.

**Apartment Building:** A building other than a hotel or motel containing dwelling units which have primary entrances from common hallways.

**Arterial Street:** A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas. Arterial streets in Oakdale are designated by the City Transportation Plan.

**Assisted Living:** A facility that provides a service or package of services advertised, marketed, or otherwise described, offered, or promoted using the phrase "assisted living" either alone or in combination with other words, whether orally or in writing, and which is subject to the requirements of Minnesota Statutes, Chapter 144G.

**Automobile Service and Repair:** A place where light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted (does not include fuel sales). Includes the sale of automobile accessories and convenience food goods.

**Basement:** A portion of a building located partly underground but having more than half its floor-to-ceiling height below the average grade of the adjoining ground.

**Boarding Home - Foster Children:** A residence where a responsible adult(s) care for children not their own, on a twenty-four (24) hour basis.

**Body Art:** Physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, micropigmentation, cosmetic tattooing, branding, scarification, suspension, subdermal implantation, microdermal, tongue bifurcation, and tissue removal. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

**Buffer:** The use of land, space, fences, or plantings to screen a property from another property and thus reduce undesirable visual or auditory effects.

**Building:** Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind. When separated by party walls without openings, each portion of such buildings so separated shall be deemed a separate building.

**Business:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold or rented, or which occupies time, attention, labor and materials, or where services are offered for compensation.

**Car Wash:** A building designed, intended, and used for the washing of automobiles of the public.

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

**Club, Private (Non-Profit):** A non-profit association of persons who are bonafide members paying annual dues which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests.

**Collector Street:** A street which carries traffic from local streets to arterial streets or from arterial to arterial. It includes the principal entrance streets of a residential development and those principal streets used for circulation within such development. Collector streets in Oakdale are designated by the City Transportation Plan.

#### **Commercial Usage Vehicles:**

- A) Vehicles and equipment designed or modified for use in any construction, demolition, maintenance or delivery activity. Provided that vehicles and equipment used for maintenance, repair, construction or delivery on the premises may be parked during the period of work.
- B) Tractors other than those intended for residential purposes
- C) All trailers or towed equipment which have a capacity greater than one (1) ton or a gross vehicle weight rating over twelve thousand (12,000) pounds.
- D) All trucks and pick-ups which have a capacity greater than one (1) ton or a gross vehicle weight or maximum gross vehicle weight rating over twelve thousand (12,000) pounds.
- E) Step vans designed or modified for the transportation of cargo, freight, construction machinery, equipment, materials or implements.

**Comprehensive Plan:** Unless otherwise stated, it is the general plan for land use, transportation, and community facilities prepared and maintained by the City Planning Commission.

**Convenience-Food Restaurant:** An establishment 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:

- (A) Foods, frozen desserts, or beverages are usually served in edible containers (such as ice cream cones) or in paper, plastic, or other disposable containers.
- (B) 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.

**Corner Lot:** A lot situated at the junction of and fronting on two or more streets.

**Development:** Any man-made change to improved or unimproved real estate including, but not limited to, buildings, manufactured homes, and other structures, recreational vehicles, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of materials or equipment.

**Drive-In Business:** Any business in which people are provided a service or a sale is made without the customer being required to leave the vehicle. Such businesses include, but are not limited to, the following: drive-in theater, drive-in bank, drive-in laundry or dry-cleaning pick-up station, drive-in cafe, and any business offering "drive-in" or "drive-through" food services.

**Driveway:** A hard-surfaced area, usually leading from a garage, used for access to an individual dwelling and not used for general circulation.

**Dwelling:** Any building or part thereof which are designated or used exclusively for residential purposes by one or more human beings either permanently or transiently.

**Dwelling, Attached:** A dwelling which is joined to another dwelling.

**Dwelling, Detached:** A dwelling (including its attached private garage, if any) which is entirely surrounded by open space on the same lot.

**Dwelling, One Family:** A building designed for or occupied exclusively by one household.

**Dwelling, Two Families (Duplex):** A building designed for or occupied by two households.

**Dwelling Unit:** Residential accommodation - including complete kitchen facilities permanently installed - which is arranged, designed, used or intended for use exclusively as living quarters for one household and not more than an aggregate of two roomers or boarders. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

**Farm:** See Agriculture.

**Flood Plain:** The areas adjoining a river, stream, channel, lake, low area, or watercourse which have been or hereafter may be covered by the regional flood.

**Floor Area:** The floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings exclusive of cellars or basements, measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings.

**Garage - Private:** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the household or households resident upon the premises.

**Home Occupation:** Any occupation of a service or retail character which is clearly secondary to the main use of the premises as a dwelling, and where there is no stock in trade stored on the premises.

**Household:** Any number of individuals living together on the premises as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, or hotel as defined herein.

**Indoor Entertainment Center:** A facility offering indoor attractions such as arcade games, inflatables, bowling, climbing structures, kart racing, miniature golf, and laser tag, but not including concert venues.

**Institutional Use:** A nonprofit or quasi-public use, such as a religious institution, library, public, or private school, hospital, or government owned or government-operated structure or land used for public purpose. (Ord. No. 828, 05/23/2017)

**Kennel:** Any place where more than four (4) of any single type of domestic animals, over six (6) months of age, are owned, boarded, bred, trained or offered for sale, but not including animal hospitals.

**Kiosk and Accessory Sales:** Kiosk and accessory sales shall consist of all retail sales uses in conjunction with a principle commercial use, but outside of the principle structure. Kiosk and accessory sales are customarily located in parking lots, drive areas or landscape areas of the principle commercial use. Kiosks are structures occupied by a person and are erected on site for more than four days. Examples of kiosk sales include photography processing, beverage sales, convenience foods and exterior sales. No kiosk sales facility may be installed which reduces the required parking available to the principal use below that required is required per code.

**Livestock:** Animals kept for use or sale on a farm such as cattle, horses, sheep, pigs, chickens, goats, etc.

**Local Street:** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood. Local streets in Oakdale are designated by the City Transportation Plan.

**Lot:** One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this Ordinance and having frontage on a public street.

**Lot Area:** The lot area is the land area within the lot lines.

**Lot Area Per Household:** The lot area per household is the lot area required by this Ordinance to be provided for each household in a dwelling.

**Lot, Corner:** See Corner Lot.

**Lot Depth:** The mean horizontal distance between the front lot line and the rear lot line of a lot.

**Lot, Interior:** A lot other than a corner lot.

**Lot Line:** A property boundary line of any lot held in single or separate ownership, except that, where a portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

**Lot Line, Front:** That boundary of a lot which is along an existing or dedicated street. In the case of a corner lot, the front lot line shall be the shortest dimension along a public street.

**Lot Line, Interior:** A lot line which does not abut a public right-of-way. Does not include internal divisions of a unified residential, commercial, or industrial site.

**Lot Line, Rear:** That boundary of a lot which is the most distant from and is or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from 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 within the lot boundary and at the minimum required front setback line.

**Manufacturing, Heavy:** Any operation which assembles, improves, treats, compounds, and/or packages goods or materials in a manner which would not qualify the operation as light manufacturing (see definition below).

**Manufacturing, Light:** Any operation which assembles, improves, treats, compounds, and/or packages goods or materials in a manner which does not create a noticeable amount of noise, dust, odor, smoke, glare, or vibration outside of the building in which the activity takes place, which does not require outside storage of goods or materials and which does not generate (in the opinion of the City Council) objectionable amounts of truck traffic.

**Mobile/Manufactured Home:** A structure, transportable in one or more sections, which in the traveling mode is eight (8) or more body feet in width or forty (40) or more body feet in length or, when erected on the site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Such structure must comply with the standards established under M.S. 327.31 through 327.35. Such structures include only HUD-certified homes.

**More Restrictive; Less Restrictive:** The meaning and application of the terms "more restrictive" and "less restrictive" when used with reference to two or more zoning districts shall be determined by the City Council in an instance where applicable with reference to the uses, performance standards and building, lot and setback requirements and restrictions of the applicable zoning districts, provided that in all cases a residential zoning district shall be deemed more restrictive than a business or industrial zoning district.

**Motel:** Any building where lodging is offered to transient guests for charge.

**Motor Fuel Sales:** A place where gasoline or other fuel sales or lubricating oil for motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.

**Multiple Family Structure:** A structure containing three (3) or more dwelling units.

**Nonconforming Use:** Any lawfully established use of a building or premises which on the effective date the Zoning Ordinance or amendment thereof does not comply with the use regulations of the zoning district in which such building or premises shall be located.

**Noxious Matter or Material:** Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well being of individuals.

**Nursery, Day:** A use where care is provided for pay for three (3) or more children under kindergarten age or period of four (4) hours or more per day, subject to the requirements of the State of Minnesota for such use.

**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 flood plain 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.

**Offices:** Structures, or portions of structures, in which commercial or professional activities take place but where goods are not produced, sold, or repaired.

**Office-Showroom:** A building in which at least twenty (20) percent of the floor space is devoted to office activities, the remainder being used for either warehousing, display, light manufacturing, or research and testing. Floor to ceiling heights in the warehouse would be no more than fourteen (14) feet.

**Off-Site Parking:** A parking facility located on a privately-owned parcel of land other than the site for which it is intended to serve.

**Open Sales (or Rental) Lot:** Any land used or occupied for the purpose of buying, selling, and rental for use away from the premises, any goods, materials, or merchandise, and for the storing of same under the open sky prior to sale or rental.

**Open Space:** Open Space shall be that part of the area within the property to be developed that can be utilized in either active or passive activities, as reviewed by the Planning Commission and approved by the City Council.

**Outdoor Camping:** The use of a tent or recreational vehicle as a temporary living quarters.

**Parking Space:** A suitably surfaced and permanently maintained area on privately owned property, either within or outside of a building, of sufficient size to store one standard automobile.

**Planned Unit Development:** A tract of land which is developed as a unit under single or unified ownership control and which generally includes two or more principal buildings or uses but which may consist of one building containing a combination of principal and supportive uses. Uses not otherwise allowed in the zoning district are prohibited within a Planned Unit District unless specific provisions are otherwise made by ordinance or by resolution adopted pursuant to the provisions of Article 16 of this Ordinance.

**Property Owner:** Person with a legal interest in real property to which the application or decision applies. (Ord. 812, 7/26/16).

**Premises:** A lot or plot with the required front, side and rear yards for a dwelling.

**Public Land or Use:** Land owned or operated by municipal, school district, county, state or other governmental units.

**Public Utility Services:** Underground or overhead transmission facilities of electric power, gas, steam, water, telephone, cable TV and railroad companies. These include: Electric power transmission lines and gas pipe lines, but not substations; telephone facilities; cable TV lines but not studios nor antennae; water pumping, reservoir, and distribution facilities; railroad trackage, but not storage and switching yards; sewers, pipes, poles, conduits, cables, traffic signals, hydrants, and similar equipment but not buildings.

**Recreation Equipment:** Play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures.

**Recreational Facilities, Private:** Structures such as swimming pools and tennis courts intended for the private use of the property residents and their guests.

**Recreational and non-commercial Vehicle:** Includes mobile/manufactured homes which are not permanently anchored in any way and which are not occupied as a permanent residence, including units which telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip-in campers, travel trailers, converted buses and converted vans. This definition will also apply to snowmobiles, boats, personal watercraft, collector vehicles, motorcycles and stock cars utility trailers and motorized vehicles not normally licensed for highway use (all with or without trailers.) Not included are private passenger vehicles of the household or households resident.

**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 100 year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

**Rental Car Agency:** the rental or leasing of passenger automobiles and vans, including incidental parking and light detailing (such as washing and vacuuming) of vehicles for rent or lease.

**Research:** Medical, chemical, electrical, metallurgical or other scientific research conducted in accordance with the provisions of this Ordinance.

**Restaurant:** A building where prepared food is sold to the public for consumption on the premises.

**Restaurant, Class 1:**

- (1) *Traditional Restaurant:* An eating facility where food is served to a customer while seated at a counter or table. Accessory use may include take out food orders, but shall not include drive-through windows.
- (2) *Cafeteria:* An eating establishment where food is selected by a customer while going through a serving line and taken to a table for consumption.

**Right-of-Way:** Land controlled by the City through ownership of easement for the purpose of establishing a street, bicycle path, pedestrian path, or utility line.

**Roof Line:** This shall mean either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof eaves, this roof or parapet shall be the one belonging to that portion of the building on whose wall a sign is located.

**School:** Unless otherwise specifically described in the ordinances of the City or other applicable laws or regulations, the term school shall mean any building used for educational purposes by five (5) or more persons at one time.

**Seasonal Business:** A business providing goods and services of a temporary or seasonal nature. Examples would include Christmas tree sales and produce stands.

**Self-Service Storage Facility:** Real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access for the purpose of storing and removing personal property. The term does not include:

- (1) Property of a financial institution that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the financial institution's customers;
- (2) Warehousing as defined by this Section; or
- (3) A commercial parking garage or parking lot that provides short-term motor vehicle parking. (Ord. 830, 07/25/17)

**Setback:** The required minimum horizontal distance between the building line and the related front, side, or rear property line. The setback is to be the lesser of the distance measured from the lot line or the edge of the street to the building or structure.

**Shed/Storage Building:** A shed or storage building is an accessory building, which is intended to be used to store the ordinary equipment and supplies of the resident.

**Shopping Center:** Any grouping of two or more principal retail uses, whether on a single lot or on abutting lots under multiple or single ownership.

**Smoking Area:** Any outdoor area where smoking is permitted, including patios, decks, gazebos, cafeterias, concrete slabs or tents.

**Single Family Dwelling:** See Dwelling, One Family.

**Stable, Private:** A stable is any building located on a lot on which a residence is located, designed, arranged, used or intended to be used for not more than four (4) horses for the private use of the residence, but shall not exceed 600 square feet in area.

**Stable, Public:** A stable where horses are kept for remuneration, hire or sale.



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

**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.

**Structure:** That which is built, constructed, or erected on the ground or attached to the ground, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, including but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, and other similar items.

**Tattoo Parlo, Tattooing:** Establishment engaged in the business of "tattooing". Tattooing means any method of placing indelible ink or other pigment into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa.

**Tavern:** Establishment serving "on-sale" liquor with or without food service.

**Theater:** A place having the primary intent of presenting live plays or concerts, or other visual entertainment to the public.

**Townhouse:** A single structure consisting of three (3) or more dwelling units having separate entrances the first story at the ground level with no other dwelling units or portions thereof directly above or below.

**Trailer:** See Recreational and non-commercial vehicle.

**Truck Terminal:** A building or area devoted principally to the transfer, assembly, and/or storage of goods brought by truck.

**Use:** The purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

**Use, Accessory:** A use incidental subordinate, and related to the principal use of a lot or a building and located on the same lot as the principal use.

**Use, Interim:** An "interim use" is a temporary use of property until a particular date, or until the occurrence of a particular event, as determined by the City Council.

**Use, Permitted:** A use which is lawfully established in a particular district or districts and which conforms with all requirements, regulations and performance standards of such district. A Permitted Use may be a Principal Use or an Accessory Use.

**Use, Principal:** A use or structure which determines the predominant or major use of the lot on which it is located. A Principal Use may be either a Permitted or a Special Use. There shall be only one principal use per parcel of land.

**Use, Special (conditional):** A land use, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district (example: Business in a Residential zone).

**Vending Machine:** A machine that accepts payment and dispenses a product or service.

**Variance:** A modification or variation of the provisions of this Ordinance as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a variance.

**Warehousing:** The storage of materials, goods, or equipment within an enclosed building which has floor to ceiling heights in excess of fourteen (14) feet.

**Wetland:** A location periodically or permanently inundated by surface water and designated on the City of Oakdale Surface Water Management Plan.

**Yard:** A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

**Yard, Front:** A yard extending along the full width of the front line between side lot lines and extending from the abutting street right-of-way line to a depth required in the setback regulations for the zoning district in which such lot is located.

**Yard, Rear:** The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

**Yard, Side:** The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

**Zero Lot Line Dwelling:** A home that is sited so that it abuts one property line. May be attached (common wall) structures or detached.

**Zoning District:** An area or areas within the limits of the City of Oakdale for which the regulations and requirements governing the use are uniform.