

900.04 DEFINITIONS.

The following words, terms, and phrases, as used herein, have the following meanings:

Accessory Apartment: A second dwelling unit in an existing single-family detached dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory Structure: A structure subordinate to, and serving the principal structure on the same lot and customarily incidental thereto.

Accessory Use: A use incidental to, and on the same lot as, a principal use.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.

Adult Bookstore, Adult Novelty Store or Adult Video Store: A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- a. books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
- b. instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.

A commercial establishment may have other principal business purposes that do not involve the offer for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features;

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- a. persons who appear in a state of nudity or semi-nude; or
- b. live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- c. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

Adult Motel: A hotel, motel or similar commercial establishment which:

- a. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- b. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- c. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Day Care Facility: Care facilities as licensed by the State of Minnesota.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

Alley: A public right-of-way permanently reserved as a secondary means of access to abutting property.

Animal, Food: Fish, fowl, cattle, swine, sheep and other raised for purposes of food consumption.

Animal, Fur: Animals raised for their pelt.

Animal, Pleasure: Dogs, cats, horses, birds.

Animal Unit: The following animals constitute one animal unit equivalency: one cow or steer, one horse, donkey or burro, three sheep, three hogs or 100 fowl.

Antenna: Equipment used for transmitting or receiving tele-communication, television or radio signals which is located on the exterior of, or outside of, any building or structure.

Apartment: A room with full housekeeping facilities which is rented on a monthly basis.

Arterial Street: Interregional roads conveying traffic between towns and other urban areas as defined in the Comprehensive Plan.

Basement: A portion of a building located partly underground. A basement shall be counted as a story if it has 1/2 or more of its height above the highest level of the adjoining ground and/or if it is intended to be used for dwelling or business purposes.

Bed and Breakfast: An owner occupied single-family dwelling where lodging in up to four guest rooms and breakfast are provided to the traveling public by the resident owner for compensation.

Boarding House: A building other than a motel or hotel where, for compensation for definite periods of time, meals or lodgings are provided.

Boulevard: That portion of a street right-of-way between the curb or curb line and the property line.

Block: An area of land within a subdivision that is entirely bounded by streets or a combination of street, exterior boundary lines of the subdivision and/or bodies of water.

Building: Any structure having a roof which may provide shelter or enclosure of persons, animals or chattel.

Building Height: The vertical distance from the average elevation of the adjoining ground level to the top of the highest point of the structure.

Building Line: That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

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

Canopy: A roof-like structure projecting over the entrance to a building.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

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.

Clear Cutting: The removal of an entire stand of trees.

Club: A non-profit association of persons who are bonafide members paying annual dues; use of premises being restricted to members and their guests.

Collector Street: A street whose function is to channel traffic from local streets to major arterial roads. These streets are identified in the City's Comprehensive Plan.

Commercial Recreational Facilities: Uses including, but not limited, to the following: Miniature golf, driving ranges, waterslides, amusement centers.

Commercial Telecommunication Antenna - An antenna used for the commercial purpose of sending and receiving electromagnetic signals in the ordinary course of commerce.

Comprehensive Plan: A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City and its environs.

Conditional Use: Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each Zoning Use District, which for the respective conduct or performance in such designated use districts may require reasonable, but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modification or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience, or safety therein and in the County, and therefore may be permitted in such use district only by a Conditional Use Permit (CUP).

Contractor's Yard: A building and/or lot specifically used for the storing of construction vehicles, equipment and other related apparatus.

Cul-De-Sac: A local street, one end of which is closed and consists of a circular turn around.

Dairy Farming: The process of maintaining a herd for the principal purpose of producing milk, plus horticultural activities.

Day Care Nursery: A building or structure where care, protection and supervision of children are provided for a fee as licensed by the State of Minnesota and in accordance with the Zoning Ordinance.

Deck: A structure which is either free standing or attached to a principal or accessory building, constructed at grade or above grade, intended or designed for use as outdoor living space and unenclosed by solid or non-solid walls or a roof.

District: Refers to a specific zoning district as described in the Zoning Ordinance.

Dump Truck: A truck that: i) unloads contents by tilting the truck bed backwards or sideways; and ii) exceeds seven feet, six inches (7'6") in height at its highest point (with the truck bed lowered).

Dwelling: A room or group of rooms providing complete living facilities for one household.

Dwelling, Single-Family: One dwelling unit having open space on all four sides.

Dwelling, Two-Family: A building having two dwelling units.

Dwelling, Multiple Family: A building having three or more dwelling units.

Dwelling, Townhouse: A dwelling unit attached to other dwelling units by common walls, side by side, extending from the foundation to the roof and without any portion of one dwelling unit located above any portion of another dwelling unit, and with each dwelling unit having a separate entrance from outside the building.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer: The professional engineer engaged by the City Council.

Erosion: The wearing away of land surface by the action of manmade and natural elements.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Extended Care Facility: Facilities where health care services can be administered and/or delivered on an on-call basis.

Family: An individual, or two or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than 4 persons not so related maintaining a common household.

Feed Lot: Any tract of land, or structure, pen, or corral, wherein cattle, horses, sheep, goats and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Fence: A lineal structure including walls, hedges, or similar barriers used to prevent access by persons or animals or prevent visual or sound transference.

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Final Plat: The final map and/or plan and/or record of a subdivision and any accompanying material presented to the City Council for approval and which, if approved, will be duly filed with the County Register of Deeds.

Floor Area: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings and shall include basement floor area except for porches, balconies, breezeways, and attic areas having head room of less than 7 1/2 feet.

Floor Area Ratio: Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Funeral Home: A business establishment where the bodies of the dead are prepared for burial or cremation and where funeral services can be held.

Garage: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage Sale: A sale of used or unwanted possessions, as household articles, often held in the garage of a house.

Gazebo: An independent, open, roofed structure from which one can gaze at the surrounding scenery.

General Farming: The process of planting and harvesting a horticultural crop as the principal use of the land plus the keeping of livestock.

Golf Course: A tract of land, including a clubhouse, for playing golf, with tees, greens, fairways, hazards, etc.

Governing Body: The City Council.

Guest Cottages: A building solely used for one or more of the following purposes: scrap booking, stamping, greeting card making, quilting, beading, hosting a book club, hosting a wedding or hosting a baby shower. Such a building may include lodging for persons then using the building for a permitted use. No part of such a building, however, shall be used by its owner or operator as a dwelling.

Hardcover Surface: Any structure or material that substantially reduces or prevents the infiltration of storm water into the ground including, but not limited to, buildings, other structures, and driveways and parking areas surface with any type of pavement or gravel.

Hardship: (Associated with variances) The property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique in his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

Home Occupation: Any occupation or profession carried on by a member of the immediate family residing on the premises in connection with which there is no sign, other display, or other condition permitted that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling. There shall be no commodities sold upon the premises and no person employed therein other than a member of the immediate family residing on the premises or domestic servants; and no mechanical or electrical equipment shall be used except such as is normally used for purely domestic or professional purposes. No accessory building shall be used for such home occupation, and entrance to the home occupation shall be gained from within the structure.

Hotel: A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Incineration: A burning process which converts combustible materials into non-combustible residue or ash.

Industry: An enterprise which involves the production, processing, or storage of materials, goods, or products.

Interim Use: A use, allowed on an interim or temporary basis, consistent with the zoning ordinance. An interim use shall have a known termination date.

Kennel, Commercial: Any place where a person, firm, or corporation accepts animals from the general public and where such animals are kept for the purposes of selling, boarding, breeding, training, treating or grooming.

Kennel, Private: Any place where more than two animals over four months of age are kept or harbored, such animals being owned by the owner or lessee of the premises wherein or whereupon the animals are kept or harbored.

Kennel License: No person, firm, or corporation shall maintain in this City a private or commercial kennel without securing a license therefor from the City Council, and the fee being as set forth in the schedule of fees.

Kennel License, Renewal of: Kennel licenses shall expire on the 31st day of December next following their issuance. Upon application for renewal of a kennel license, an authorized City employee shall inspect the kennel of the applicant. Said employee shall submit to the City Clerk either an affirmative certification that said kennel is maintained in a neat, orderly, and safe

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condition or a negative certification that said kennel is not so maintained. The City Clerk may issue a renewal kennel license provided that:

- a. The aforementioned certificate is affirmative; and
- b. No complaints have been received by the City.
- c. In all other cases, the kennel license shall be renewed only upon City Council approval.

Landscaping: Plantings such as trees, grass, bushes and shrubs.

Large Retail Building: A building exceeding 50,000 square feet of gross building floor area where the primary use of the building floor area is devoted to the sale or rental of merchandise to the general public, including, but not limited to, department stores, discount stores, supermarkets, superstores and wholesale clubs.

Large Retail Project: A large retail building and any associated storage areas, parking lots, driveways, sidewalks and any other associated development features.

Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.

Livestock: Domestic animals kept for use on a farm and raised for sale and profit.

Local Street: A roadway allowing access to abutting land, serving local traffic only.

Lodge: See club.

Lot: A parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof, abutting a public street.

Lot Area: The area of a lot on a horizontal distance between the front lot line and the rear lot line.

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

Lot of Record: A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

Lot Width: The horizontal distance between side lot lines, measured at the required front setback line.

Lot, Corner: A lot abutting on and at the intersection of two or more streets.



Lot, Flag: A lot with access provided to the bulk of the lot by means of a narrow corridor. Flag lots will be allowed only as a way to preserve natural site features of a plat or to enhance the safety of a lot from traffic whose entrance would otherwise be directly onto a collector or arterial street.

Lot, Interior: A lot other than a corner lot, including through lots.

Lot, Through: A lot having its front and rear yards each abutting on a street.

Lot Line: A line dividing one lot from another lot or from a street or alley.

Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street.

Lot Line, Interior: Any boundary of a lot which does not abut a public right-of-way.

Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Marina: An inland or offshore area for concentrated mooring of five or more watercraft, wherein facilities are provided for any or all of the following ancillary services: Boat storage, fueling, launching, mechanical repairs, sanitary pump-out and restaurant services.

Manufacturing: Uses which include the compounding, processing, packaging, treatment or assembly of products and materials.

Marquee: See Canopy.

Microdistillery: A “microdistillery”, as such term is defined by Minn. Stat. §340A.101, Subd. 17a, as amended.

Mining: The extraction of sand, gravel, rock, soil, or other material from the land in the amount of 400 cubic yards or more and the removal thereof from the site. The only exclusion from this definition should be removal of minerals associated with the nominal construction of a building.

Mini-storage Facility: A structure or building in which customers can rent space to store possessions.

Mixed-Use Building: A building containing a retail or commercial use permitted in the district on each floor with an exterior wall at-grade, together with one or more dwellings on other floors of the same building.

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Mortuary: A place where dead bodies are kept before burial or cremation.

Motel: A facility offering lodging accommodations for those traveling by car usually with easy access from each room to an area for cars.

Motor Freight Terminal: A building or area in which freight brought by motor truck is transferred and/or stored for movement.

Motor Fuel Station: A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services, and the performance of minor automotive maintenance and repair.

Motor Fuel Station Convenience Store: A store operated in conjunction with a motor fuel station offering a limited selection of food and other products and staying open for longer hours at a convenient location.

Motor Vehicle: A self-propelled vehicle, excluding vehicles moved solely by human power.

Nameplate Sign: A sign which bears the name and address of the occupant of the building.

Non-Conforming Structure: A structure which does not meet the requirements of the zoning district in which it is located due to the enactment of this ordinance or any amendment thereto, but which was lawfully existing as of the date of its construction or placement.

Non-Conforming Use: A use which does not meet the requirements of the zoning district in which it is located due to the enactment of this ordinance, or any amendment thereto, but which was a lawful use as of the date it was first commenced.

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

Nude Model Studio: Any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Minnesota or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

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- d. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- e. where in order to participate in a class a student must enroll at least three days in advance of the class; and
- f. where no more than one nude or semi-nude model is on the premises at any one time.

Nudity or a State of Nudity: The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

Nursing Home: A building or group of buildings licensed by the State of Minnesota for the care of the aged or infirm, or a place of rest and care for those suffering physical or mental disorders. Hospitals, clinics, maternity care homes and other buildings or parts of buildings containing surgical equipment are not included.

Off-Street Parking: A maintained area, other than on a public street or right-of-way, for the storage of an automobile.

Open Storage: Storage of materials outside of a building.

Owner: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

Party Wall: A common wall which divides two independent structures by a fire wall.

Pedestrian Way: The right-of-way across or within a block for use by pedestrian traffic.

Performance Standard: Standards that are established to assure that development will not be a detriment to the public health, safety, and general welfare of the municipality.

Person: An individual, to include both male and female and shall also extend and be applied to bodies political and corporate and to partnership and other incorporated associations.

Planned Unit Development (PUD): A self-contained development, often with a mixture of housing types and densities, in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots, as in most subdivisions. Therefore, densities are calculated for the entire development, usually permitting a trade-off between clustering of houses and provision of common open space.

Planning Agency: The planning Commission or Planning Department as created by the City of Waconia.

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Principal Structure: A structure or building which is used for principal uses including enclosed seasonal living areas such as porches and breezeways which are attached to the principal building.

Private Garage: See GARAGE.

Private Residential Recreational Facilities: Swimming pools, tennis courts, exercise/weight rooms, club houses and similar facilities owned, operated and maintained by a development or homeowner's association for the benefit of multiple residential users.

Publication: Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic.

Public Garage: A building or portion of a building used for the storage of vehicles for remuneration.

Public Hearing: Whenever the term Public Hearing is used in this Ordinance, unless otherwise specifically redefined, it shall mean a public hearing pursuant to a notice published once in the official newspaper of the City and at least ten days before the date of such hearing, which notice shall specify the general purpose, time and place of such hearing. Any such hearing after such publication may be continued, recessed, or adjourned from time to time without any further publication or notice thereof.

Public Service Installation: Public utility structures including, but not limited to, transformers, substations and lift stations, and public utility buildings.

Public Water: Means any waters of the State as defined in Minnesota Statutes 1980, Section 105.37, Subd. 14. However, no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles shall be required for purposes of this Ordinance.

Refrigerator Truck: A truck designed or used to transport property at a specific temperature.

Rental Facility: A building specifically used to conduct a business of renting, to the public, general items including, but not limited to, hand power tools, automotive tools, lawn and garden items, tables and chairs, tents, moving supplies, floor care and plumbing tools, cement tools, home improvement tools, painting equipment, generators and other items used by contractors or homeowners.

Repair Garage: A building for the maintenance of vehicles but not including auto wrecking or junk yards.

Semi-Nude or in a Semi-Nude Condition: The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female rear of the body which lies between two imaginary lines running parallel to the ground when a person is standing,

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the first or top of such line drawn at the top of the cleavage of the nates and second or bottom line drawn at the lowest visible point of the cleavage or the lowest point of the curvature of the fleshy protuberance, whichever is lower, and between two imaginary lines on each side of the body, which lines are perpendicular to the ground and to the horizontal lines described above, and which perpendicular lines are drawn through the point at which each nate meets the outer side of each leg.

This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Semi-trailer: A vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semi-trailer combination.

Service Road: A street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

Setback: The minimum horizontal distance between a structure and the nearest property line or right-of-way line; within shoreland districts it shall also mean the minimum horizontal distance between a structure and the normal highwater mark.

Setback, Front Yard: The shortest horizontal distance from the forward most point of a building or structure to the nearest point on the front lot line.

Setback, Interior Side Yard: The shortest horizontal distance from any part of a building or structure to the nearest point on an interior side lot line.

Setback, Rear Yard: The shortest horizontal distance from any part of a building or structure to the nearest point on a rear lot line.

Setback, Street Side Yard: The shortest horizontal distance from any part of a building or structure to the nearest point on a side lot line that adjoins a street.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- g. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- h. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Shoreland: Land located within the following distances from public water; 1,000 feet from the normal highwater mark of a lake, pond, or flowage; and, 300 feet from a river or stream, or the landward extent of a floor plain designated by ordinance of such a river or stream, whichever is greater.

Small Brewery: A brewery operated by a brewer who holds an off-sale malt liquor license issued pursuant to Waconia City Code Section 580.06, Subd. 11.

Specified Anatomical Areas means:

- i. the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- j. less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

Specified Criminal Activity: Any of the following offenses:

- k. prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries; for which:
  - l. less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
  - m. less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense;or
- n. less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- o. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

Specified Sexual Activities: Any of the following:

- p. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- q. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- r. excretory functions as part of or in connection with any of the activities set forth in a. and b. above.

12/16/96, Ord. 465, 900.04, Add Definition  
08/21/00, Ord. 518, 900.04, Add Rental Facility Definition  
05/16/05, Ord. 567, 900.04, Add Private Residential Recreational Facilities  
02/21/06, Ord. 572, Section 900.04, Add Guest Cottage  
06/06/11, Ord. 643, Amend Sect 900.04 and 900.09

10/20/97, Ord. 480, 900.04, Add Sexually Oriented Business Definitions  
01/20/04, Ord. 548, Add Definition: Hardcover Surface  
02/06/06, Ord. 570, Section 900.04, Add Large Retail Building and Large Retail Project Definitions  
08/20/07, Ord. 588, 900.04, Add Mini-Storage Facilities  
12/09/2013 Ord. 676 & 677, Amend 900.04 Definitions

Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street Frontage: That portion of a parcel of land abutting one or more street. An interior lot has one street frontage and a corner lot has two such frontages.

Structure: Anything built or constructed, an edifice or building of any kind, or any piece of work composed of parts joined together in some definite manner, except parking lots and driveways.

Subdivision: The division of any parcel of land into two or more lots, blocks, and/or sites, with or without streets or highways and includes re-subdivision.

Substandard Use: Any use of lands existing prior to the date of enactment of this Ordinance which is permitted within the applicable zoning district but does not meet minimum lot area and length of frontage, structure setbacks, or other dimensional standards of the Ordinance.

Surveyor: A person duly registered as a land surveyor by the State of Minnesota.

Taproom: A space within, or in a structure adjacent to, a small brewery where malt liquor manufactured by a small brewer holding a license pursuant to Waconia City Code Section 580.06, Subd. 12, is sold.

Tower: Any pole, spire or structure, or any combination thereof, to which an antenna is attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces.

Truck: A motor vehicle designed, used or maintained primarily for the transportation of property.

Truck Stop: A motor fuel station devoted principally to the needs of trucks and which shall include eating facilities.

Truck-tractor: A motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

Use: The purpose or activity for which the land or structure thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained.

Use, Permitted: A use which conforms with the requirements of the Zoning District within which it is located.

Use, Principal: The primary use of land or structures as distinguished from accessory uses.

Utility Building: An accessory building which is not usable for the storage of vehicles; is one-story in nature; is used or intended for the storage of hobby tools, garden equipment, etc.; is detached

12/16/96, Ord. 465, 900.04, Add Definition

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from the principal structure; and which is naturally and normally incidental to, subordinate to, and auxiliary to the principal dwelling structure.

Variance: Any modification or variation of official controls where it is determined that because of hardship, strict enforcement of official control is impractical.

Vehicle: A device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Warehousing: The storage of materials or equipment within an enclosed building.

Wholesaling: The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

Yard: A required open space on a lot, which is unoccupied and unobstructed by any structure from its lowest ground level to the sky except as expressly permitted in this Ordinance.

Yard, Front: A yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of the building.

Yard, Rear: A yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building.

Yard, Side: A yard between the side lot line and the nearest line of the building and extending from the front yard line to the rear yard line.

Zoning District: An area of the City designated in the zoning ordinance text and delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

Zoning Map: The official City map that delineates the various zoning districts.

Zoning Ordinance: The official land-use controls, which list various requirements, that guide the physical development of the City.