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## Chapter II

# Definitions

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For the purpose of this ordinance, terms not herein defined shall have the meaning customarily assigned to them; and certain terms or words used herein shall be interpreted as follows:

### **Administrator**

The administrator of the Princeton Zoning Office or its authorized agent or representative.

### **Agriculture**

The use of land for agricultural purposes including: farming; dairying; pasturage; horticulture; floriculture; viticulture; animal and poultry husbandry and the necessary accessory uses for packing, creating and storing the produce, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural activities.

### **Agricultural Structure**

Any structure existing or erected and used principally for agricultural purposes, with the exception of dwelling units.

### **Airport**

Any area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

### **Alleys**

Any dedicated public way providing a secondary means of access to land or structures thereon.

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### Accessory Structure

A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises.

### Accessory Use

A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located in the same parcel as the principal use to which it is related.

### Adult Uses

Adult uses include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses, or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota Statute 5617.241 are not included.

#### A. Specified Anatomical Areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### B. Specified Sexual Activities:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.
2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence.

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3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation.
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast.
5. Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes; and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint of any such persons.
6. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being.
7. Human excretion, urination, menstruation, vaginal, or anal irrigation.

### **Adult Uses / Accessory**

The offering of goods and/or services which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.

### **Adult Use / Principal**

The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:

- A. Adult Use Body Painting Studio** - An establishment or business which provides the service of applying paint or other substances, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas.”
- B. Adult Use Bookstore** - A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- C. Adult Use Cabaret** - A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distin-

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guished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas.”

- D. Adult Use Companionship Establishment** - A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- E. Adult Use Conversation/Rap Parlor** - A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- F. Adult Use Health/Sport Club** - A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- G. Adult Use Hotel/Motel** - Adult hotel/motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
- H. Adult Use Massage Parlor/Health Club** - A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- I. Adult Use Mini-Motion Picture Theater** - A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- J. Adult Use Modeling Studio** - An establishment whose major business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical area” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

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- K. Adult Use Motion Picture Arcade** - Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, 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 an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
- L. Adult Use Motion Picture Theater** - A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- M. Adult Use Novelty Business** - A business which has, as a principal activity, the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
- N. Adult Sauna** - A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing; utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- O. Adult Steam Room/Bathhouse Facility** - A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing; utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

### Alteration

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as foundations, walls, or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

### Animal, Domestic

Animals kept as pets, such as fish, dogs, cats, household birds, homing pigeons, and similar animals.

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### **Animal, Non-domestic**

Animals which are kept outside the home for purposes of food or pleasure, such as livestock (cattle, hogs, sheep, goats, chickens), bees, birds (such as falcons, and wild and scrub pigeons), and similar animals.

### **Antenna**

Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

### **Auto Repair**

A place where the following services may be carried out: general auto repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; and overall painting and undercoating of automobiles. The sale of engine fuels may or may not also be carried on.

### **Auto Service Station**

A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, motor oil and lubricants, or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing or minor repair of automobiles, and may include the sale of convenience food goods and necessity items. This does not include business side lines such as trailer rental or discount stores. These would not be included as ordinary service station activities unless specifically permitted by a conditional use permit.

### **Awning**

A temporary hood or cover which projects from the wall of a building, and of a type which can be retracted, folded or collapsed against the face of a supporting building.

### **Auxiliary Canopy**

A roof-like structure projecting over, including but not limited to, gasoline pump islands, drive through banking or any canopy with a drive through lane. An auxiliary canopy provides weather protection for more than the building entrance or windows. Auxiliary canopies may be attached or detached from the principal building. For sign purposes auxiliary canopies shall be considered a separate structure.

### **Bars**

Establishments serving "on-sale" liquor with or without food.

### **Basement**

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling and the vertical distance from the average grade to the floor is more than four feet for more than 50% of the perimeter.

### **Bed and Breakfast**

A residential building occupied more or less as a temporary accommodation for individuals who are lodged, with or without meals, in rooms occupied singly or for remuneration, with or without dining facilities, and including not more than five guest sleeping rooms intended to provide such accommodations.

### **Brewer** (Added 04-29-2016; Ord. 733)

A person who manufactures malt liquor for sale.

### **Brewpub** (Added 04-29-2016; Ord. 733)

A state licensed brewer under Minnesota Statutes Section 304A and all other applicable laws of the State of Minnesota with a restaurant use operated on the same premises as the brewery. To sell their own malt liquor, a brewpub is required to obtain an intoxicating on-sale liquor license and may obtain an on-sale Sunday liquor license if they want to be open on Sundays. Along with meeting the requirements of the State of Minnesota the entity must also meet the Federal requirements of the Alcohol and Tobacco Tax and Trade Bureau.

### **Board of Adjustment**

The Princeton Board of Adjustment as appointed by the Princeton City Council.

### **Boarding and Rooming House**

A business establishment which provides sleeping and living quarters (but not individual cooking facilities) in an immovable structure on a weekly or monthly commercial basis. A rooming house shall not include congregate dining facilities.

### **Brooding** (Added 10-11-2012; Ord. 691)

The period of chicken growth when supplemental heat must be provided, due to the birds inability to generate enough body heat.

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### **Building**

Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind including tents, awnings or vehicle situated on private property and used for purposes of a building. It is not the intention of the ordinance to include any of the following structures: 1) temporary storage sheds or tents or awnings intended for resale or used for display or promotional purposes and having no permanent footings, slab or other foundation; 2) dog houses of less than 25 square feet and designed for one animal and having no permanent footings, run or slab or other foundations; 3) tents or other awnings used only for recreational purposes; and 4) storage sheds, wood sheds or awnings having an overall floor or surface area of less than 25 square feet and having no permanent footings or slab or other foundation.

### **Buildable Area**

The area of a lot contained within the front, side, and rear setbacks.

### **Building Height**

The vertical distance from the established average finished grade at the building line to the highest point of a structure, excluding chimneys, antennas, or other similar projections.

### **Building Setback Line**

A line formed by the face of the building; for the purpose of this ordinance, a minimum building line is the same as a yard setback line.

### **Business**

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

### **Canopy**

A projection or extension of a building or structure erected in such a manner as to provide a shelter or cover over the approach to any entrance to a store, building, or place of assembly.

### **Carport**

An accessory roof-like structure, either attached to or detached from an allowable primary building, enclosed on not more than two sides, designed to provide cover for off-street vehicle parking.

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### Car Wash

A lot on which motor vehicles are washed or waxed either by the patrons, or by others, using machinery specially designed for that purpose.

### Chicken

A Domesticated bird that serves as a source of eggs or meat.

### Child Care Centers

A use where care for a child in a residence outside the child's home is provided for gain or otherwise on a regular basis for any part of a 24-hour day. *Child Care Centers* are permitted home occupations within Princeton, with an approved Conditional Use Permit, subject to all the licensing requirements defined by the State of Minnesota, Chapter 9502 of the Minnesota Department of Human Services.

*Child Care Centers* shall include the following child/adult ratios and age distribution restrictions (the licensed capacity must include all children of any caregiver when the children are present in the residence):

#### A. Family Day Care:

Licensed Capacity	Adults	Total Children Under School Age	Total Infants and Toddlers
10	1	6	A combined total of no more than 3 shall be infants & toddlers, no more than 2 shall be infants.

#### B. Specialized Infant and Toddler Family Day Care

Licensed Capacity	Adults	Total Children Under School Age	Total Infants and Toddlers
5	1	3	No more than 3 infants.
6	1	4	No more than 2 infants.

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### C. Group Family Day Care:

Licensed Capacity	Adults	Total Children Under School Age	Total Infants and Toddlers
10	1	8	A combined total of no more than 3 shall be infants & toddlers, no more than 2 shall be infants.
12	1	10	A combined total of no more than 2 shall be infants & toddlers, no more than 1 shall be an infant.
14	2	10	A combined total of no more than 4 shall be infants & toddlers, no more than 3 shall be infants.
A helper may be used in place of a second adult caregiver when there is no more than 1 infant.			

### D. Specialized Infant and Toddler Group Family Day Care:

Licensed Capacity	Adults	Total Children Under School Age	Total Infants and Toddlers
9	2	7	Of the total children, no more than 4 shall be infants.
Both caregivers shall be adults.			

Exclusion from child care licensure are the following:

1. Day care provided by a relative to only related children; or
2. Day care provided to children from a single, unrelated family for any length of time; or
3. Day care provided for a cumulative total of less than 30 days in any 12-month period.

### Church

A building, together with its accessory buildings and uses, where people 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.

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### **Church, Transitional/Interim**

A temporary place of worship (for a period not to exceed five (5) years) consisting of a building, together with its accessory buildings and uses, where people regularly assemble for religious worship and which building, together with the accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

### **City Council - Council**

The *City Council* of the City of Princeton, Minnesota.

### **Clinic**

An establishment where human patients who are not lodged overnight are admitted for examination and/or treatment by a group of physicians, dentists, or similar professionals.

### **Clinic - Veterinary**

An establishment where animals are admitted for treatment by a veterinarian and may be boarded overnight.

### **Club or Lodge**

A nonprofit association of persons who are bona fide members paying annual dues, with a use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, provided adequate dining space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed provided such serving is in compliance with the applicable federal, state, and municipal laws.

### **Commercial Wireless Telecommunications Services**

Licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services.

### **Comprehensive Plan**

The compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social and economic development, both public and private, of the city and its environs, as prepared and maintained by the City Planning Commission. The plan includes any unit or part of such plan separately adopted and any amendment to such plan or its parts.

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### **Conditional Use**

A use of land which is permitted only when allowed by the City of Princeton after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.

### **Convenience Stores**

An establishment whose principal business is the sale of foods, beverages, and frozen desserts in a ready-to-eat state in disposable or edible containers for consumption on or off the premises, groceries, and gasoline. Auto repair is not permitted.

### **Convention Facility**

A building which primary use is for large gatherings of people to meet, debate, sell, party, eat, or other activities.

### **Coop**

The structure for the keeping or housing of chickens permitted by the ordinance

### **Day Care Facility**

A facility designed or operated to provide care to individuals, without the provision of overnight sleeping accommodations.

### **Deck**

A horizontal unenclosed platform with or without attached railings, seats, trellises or other features attached or functionally related to a principal use or site and at any point extending more than six inches above ground. All decks are considered a part of the principal structures and shall, therefore, meet all structure setback provisions (see Yards and Open Space Section VI).

### **Density Per Gross Acre**

The quotient of the total number of dwelling units divided by the total area of the site (including roads and open space).

### **Density, Residential**

A density established within individual residential land use categories on the official Land Use Plan of the community.

### **Drainage Plan**

The plan of the subdivision showing the direction of surface water runoff and the removal or containment of surface water or groundwater by drains, grading, runoff controls, or other means.

### **Drive-Thru Facility**

An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

### **Dwelling Unit**

One room, or rooms connected together, constituting a separate, independent house-keeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

### **Dwelling, Single-Family**

A building designed exclusively for one dwelling unit.

### **Dwelling, Two-Family (Double Bungalow, Duplex)**

A building containing two dwelling units.

### **Dwelling, Townhouse** (also see Townhouse and Twinhome definitions)

A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls from the basement through to the roof.

### **Dwelling, Condominium**

Real estate that contains the dwelling unit and common elements, and the common elements must be owned by the dwelling unit owners.

### **Dwelling, Multiple-Family (Apartments)**

A building containing three or more dwelling units, excluding hotels, motels, and boarding houses.

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### **Easement**

A grant by a property owner for specified use of land by a corporation, the public or specified persons.

### **Emergency Service Provider**

A public or quasi-public entity providing hospital, ambulance, police, fire, rescue, or other emergency services as a first responder. (Rev. 09-27-07, Ord. #605)

### **Emergency Service Provider, Living Quarters**

Part of a building designed or used as a dwelling unit to be occupied by first responders employed by an Emergency Service Provider. (Rev. 09-27-07, Ord. #605)

### **Environmental Assessment Worksheet (EAW)**

A brief document, in worksheet format, that helps local governments determine if a proposed action is a major action with a potential for significant environmental effects, but also to consider alternatives and to institute methods for reducing environmental effects.

### **Erected**

The word *erected* includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the building or structure. Excavation, fill, drainage, and the like shall be considered a part of erection.

### **Excavation**

Any breaking of ground, except common household gardening and ground care.

### **Family**

One or more persons related by blood, marriage, or adoption, including foster children, and up to two boarders, or a group of not more than five persons (excluding servants) some or all of whom are not related by blood, marriage, or adoption, living together and maintaining a common household.

### **Farm**

A tract of land used for the carrying on of any agricultural activity or the raising of livestock or small animals.

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### **Fence**

A permanent or a temporary partition, structure, wall, hedge, plantings, or gate erected for the purpose of screening or decorative property control.

### **Floor Area (Gross)**

The sum of the horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

### **Garage**

A fully enclosed building designed or used for the storage of motor vehicles, not including buildings in which fuel is sold or in which repair or other services are performed.

### **Gas Station**

A place where motor vehicle fuels are sold at retail.

### **Golf Courses**

An open area that shall be comprised of at least nine regulation holes at a minimum of par three. Miniature golf courses are not included within this use.

### **Grade**

The elevation or level of the ground at a certain point.

### **Group Family Home**

Any community residential facility, foster home, family care facility, or other similar home for developmentally disabled persons.

### **Home Occupation** (revised 04-28-16; Ord. 733)

Any occupation or profession, regulated within this ordinance, which is carried out for gain by a resident and conducted as a secondary use in the resident's dwelling unit or in an accessory building as long as it does not utilize more than 25% of the total floor area of the dwelling or no more than 625 square feet of accessory building. (See Chapter VI - Performance Standards, J. Home Occupations)

### **Insulated Concrete Form** (Rev. 07-14-16; Ord. 738)

Also known as stay in place concrete forming systems. Insulating concrete form or insulated concrete form (ICF) is a system of formwork for reinforced concrete usually made with a rigid thermal insulation that stays in place as a permanent interior and exte-

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rior substrate for walls, floors, and roofs. The forms are interlocking modular units that are dry-stacked (without) mortar) and filled with concrete. The units lock together somewhat like Lego bricks and create a form for the structural walls or floors of a building. ICF construction has become commonplace for both low rise commercial and high performance residential construction as more stringent energy efficiency and natural disaster resistant building codes are adopted. ICFs may be used with frost protected shallow foundations (FPSF).

### **Interim Use** (Rev. 03-08-2007)

A temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it. INTERIM USES are permitted in all zones of the city according to the provisions hereof.

### **Intersection Sight Distance Triangle**

The visibility requirements for intersections shall not impede vision between a height of three (3) feet and ten (10) feet within thirty (30) feet from the intersecting curb lines, or within twenty (20) feet from the intersecting property lines if there is no curb.

### **Junkyards**

An open area where waste and used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires, lumber products, bottles, products resulting from wrecking or salvage of automobiles or other vehicles, and outdoor storage of two or more unregistered vehicles. Such uses shall not include sanitary landfill, organic waste, or material.

### **Kennel**

Any property, except veterinary clinics and doggie daycares, where more than three dogs or three cats over the age of eight months are owned, boarded, bred, trained, or offered for sale.

### **Landfill**

A land depository, excavation, or area operated in a controlled manner by a person for the dumping of debris or inert material; or a disposal site operated by means of compacting and covering solid waste at least once each day with an approved material. This term is intended to include both debris landfills and sanitary landfills. (Rev. 06-26-08, Ord. #618)

### **Landscaping**

Plantings such as trees, grass, and shrubs.

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### **Licensed Group Home, Foster Home, Group Home, Half-Way House, and Day Care Facilities**

Full or part-time supervised living facilities for the mentally retarded, mentally ill, chemically dependent, physically handicapped, or elderly. Under Minnesota Statutes, Section 245.812, Subdivision 3, a licensed day care facility serving 12 or fewer persons shall be considered a permitted single-family residential use of property with an conditional use permit for the purposes of zoning. Subdivision 4 of the same section indicates that a licensed day care facility serving from 13 through 16 persons shall be considered a permitted multi-family residential use of property for purposes of zoning with an conditional use permit.

### **Lot**

A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.

### **Lot Area**

The area of land within the boundaries of a lot.

### **Lot, Corner**

A lot situated at the junction of and fronting on two or more streets.

### **Lot, Coverage**

The part or percent of the lot occupied by buildings, including accessory buildings.

### **Lot, Depth**

The average horizontal distance between the front and rear lot lines.

### **Lot, Interior**

A lot other than a corner lot.

### **Lot Lines**

The lines bounding a lot as defined herein:

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### **A. Front Lot Line**

For an interior lot, the line separating said lot from the street right-of-way. For a corner lot, the line separating said lot from either street right-of-way. For a through lot, the line separating said lot from both street right-of-ways.

### **B. Rear Lot Line**

The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

### **C. Side Lot Line**

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

### **D. Street Side Lot Line**

A side yard adjacent a street right-of-way on a corner lot.

### **Lot of Record**

Any lot which is one (1) unit of a recorded plat designated by auditors plat, subdivision plat, or other accepted means and separated from other parcels or portions of said description for the purpose of sale, lease or separation thereof that has been recorded in the office of the County Recorder prior to the effective date of this Ordinance.

### **Lot Width**

Lot width shall be taken at building set back line.

### **Manufactured Home "Mobile Home"**

A structure transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (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. The term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under Minnesota Statutes Chapter 327. Similar provision, M.S. chapter 327.32, subd. 6.

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### **Manufacturing**

Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, or resins.

### **Metal Roofing**

*Metal roofing* shall be non-glare and non-reflective factory finished materials.

### **Metal Siding**

*Metal siding* shall be non-glare, non-reflective factory finished materials.

### **Microbrewery** (Added 04-28-2016; Ord. 733)

A facility that is licensed under Minnesota Statutes Section 304A or other applicable laws of the State of Minnesota may brew no more than 20,000 barrels of its own brands of malt liquor annually. Along with meeting the requirements of the State of Minnesota the entity must also meet the Federal requirements of the Alcohol and Tobacco Tax and Trade Bureau.

### **Micro Distillery** (Added 04-28-2016; Ord. 733)

A distillery producing premium, distilled spirits in total quantity not to exceed 40,000-proof gallons in a calendar year as regulated by Minnesota Statutes. Along with meeting the requirements of the State of Minnesota the entity must also meet the Federal requirements of the Alcohol and Tobacco Tax and Trade Bureau.

### **Mixed Occupancy Building**

Where two or more types of occupancies are combined in the same building.

### **Mixed Waste Reclamation Facility**

A facility for the removal and/or reclamation of recyclable materials from solid waste. A Mixed Waste Reclamation Facility shall not be deemed to include a recycling center. (Rev. 06-26-08, Ord. #618)

### **Mobile Home Parks**

Any premises on which two or more mobile homes, or any premises used or held out for the purpose of supplying to the public a parking space for two or more of such mobile homes. Sales lots on which automobiles or unoccupied mobile homes, new or used, are parked for purposes of inspection or sale are not included in this definition. For purposes of this Ordinance, mobile home parks shall be considered a RM-1, Residential Manufactured Housing District.

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### **Motel/Hotel**

A building or group of buildings used primarily for the temporary residence of motorists or travelers.

### **Multiple Dwelling**

A structure designed or used for residential occupancy by more than one family, with or without separate kitchen or dining facilities, including apartment houses, boarding and rooming houses, boarding hotels, hospital or nursing homes.

### **Nonconforming Use**

Any use of land established before the effective date of this ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

### **Nursery**

A place for propagation, cultivation, growth, sale, and storage of plants, flowers, vines, fruits, vegetables, and similar agricultural products, including materials integral to proper nursery operation from seed or stock and products purchased elsewhere and transplanted into pots or soil.

### **Nursing Home**

A *nursing home* as defined by Minnesota Statute, Chapter 144A.01, subdivision 5, is a facility or that part of a facility which provides nursing care to five or more persons. This does not include a facility or that part of a facility which is a hospital, a hospital with approved swing beds as defined in Section 144.562, clinic, doctor's office, diagnostic or treatment center, or a residential program licensed pursuant to Section 245A.01 to 254A.16 or 252.28. In addition, the Minnesota Department of Health Rules Chapter 4655.0100, subchapter 8 defines nursing homes as a licensed facility or unit used to provide care for aged or infirmed persons who require nursing care and related services including bedside care, administration of medications, irrigations and catheterizations, applications of dressings or bandages, rehabilitative nursing techniques, and other treatments prescribed by a physician which require technical knowledge, skill, and judgment as possessed by a registered nurse. Furthermore, the dietary, social, spiritual, educational, and recreational needs of these patients shall be fulfilled. The director of the nursing service shall be a registered nurse employed 40 hours per week during the day shift. A registered nurse or licensed practical nurse shall be employed so that on-site nursing coverage is provided eight hours per day, seven days per week during the day shift. Provisions shall also be made for a registered nurse to be on call during all hours when a registered nurse is not on duty.

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### Office

Commercial or professional activities that take place in a building or portion of a building, but where goods are not purchased, sold, or repaired. These include banks, general offices, governmental offices, insurance, real estate, travel agency, and similar uses.

### Off-Site Advertising Sign

A sign that is located on a lot, tract or parcel of land that is a lot, tract or parcel other than the one on which the goods or services being advertised are sold.

### On-site Advertising Sign

A sign, free standing, attached, or painted, located on the property where the goods or services being advertised are available.

### Off-Street Parking Lot

A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

### Open Space

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved by a developer or governmental unit for public or private use.

### Open Space, Common

A parcel or parcels of land or areas of water or a combination of land and water within a development which is designed and intended for the use and enjoyment of residents of the development. *Common open space* includes all land in excess of the individual building lots and land accepted for public dedication.

### Outside Display Area

An area in a commercial district set aside for the display of materials and/or products for sale or lease.

### Parking Lot Surface, Durable and Dustless (Ord. 611; Revised 01-10-08)

The use of one of the following surface materials for temporary parking lots for up to one year:

- A. Uniformly graded  $\frac{3}{4}$ " crushed – six inches (6") in depth; or

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- B. Recycled bituminous or concrete – six inches (6”) in depth; or
- C. Class five aggregate – six inches (6”) in depth – with seal coat applied as follows:  
All aggregate base class five parking lots and/or driveways shall be seal coated with a CRS-2 asphalt emulsion at a rate of 0.35 gallons per square yard with an FA-2 aggregate chip or pea rock applied at a rate to prevent tracking. Other seal coat designs may be used with the approval of the City Engineer.

### **Parking Lot Surface, Hard** (Ord. 611 Revised 01-10-08)

The permanent use of one of the following materials for parking lots:

- A. Hot mix asphalt pavement; or
- B. Portland cement/concrete pavement; or
- C. Concrete paver bricks.

### **Parking Space**

An area of definite length and width designed for parking of motor vehicles. Said area shall be exclusive of drives, aisles, or entrances giving access thereto and shall be fully accessible for the parking of permitted vehicles.

### **Party Wall**

A common wall which divides two independent structures.

### **Permitted Uses**

A term used in zoning ordinances that refers to a list of uses that are specifically permitted in a zoning district.

### **Planned Unit Development**

"PUD" - (Townhouse, Condominium and other PUDs) means a type of development which may incorporate a variety of land used planned and developed as a unit. The planned unit development is distinguished from the traditional subdivision process of development in that zoning standards, such as density, setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer, the municipality and any agencies whose jurisdiction would be affected.

(Rev. 07-08-04, Ord. #555)

### **Planning Commission**

The *Planning Commission* of the City of Princeton, Minnesota.

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### **Pole Type Construction** (Rev. 07-14-16; Ord. 738)

Also known as post frame, customized steel building, wood frame, pole buildings, etc. It uses large poles or posts buried in the ground or on a foundation to provide the vertical structural support and girts to provide horizontal support.

### **Practical Difficulties** (Added 09-08-2011; Ord. 672)

As used in connection with a variance under this ordinance, means that (1) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (3) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

### **Principal Building**

A building in which is conducted the principal use of the zoned lot upon which it is situated.

### **Principal Use**

The main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted or conditional.

### **Proof Gallons** (Added 04-28-2016; Ord. 733)

A proof gallon is one liquid gallon of spirits that is 50% alcohol at 60 degrees F. Distilled Spirits bottled at 80 proof (40% alcohol) would be 0.8 proof gallons per gallon of liquid.

### **Public/Quasi-Public Facilities**

Uses such as schools, churches, and government buildings and facilities, including parks, playgrounds, trails, and other recreational areas.

### **Public Utility**

A corporation, municipal department, board, or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

### **Recreation Facility**

A *recreation facility* is an indoor (enclosed) or outdoor (open) building or area in which people engage in active physical conditioning, recreation, or sports activities.

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### **Recreation Vehicle**

Any device having wheels and capable of supporting overnight sleeping accommodations and designed for uses in addition to normal travel.

### **Recycling Center**

A facility for the collection of non-putrescible recyclable materials which have been separated at their source (source-separated) prior to shipment to others who will use those materials to manufacture new products. A Recycling Center shall be deemed to exclude a Landfill, Junkyard, Auto Repair, and Mixed Waste Recycling Center as defined by the City Zoning Ordinance. (Rev. 06-26-08, Ord. #618)

### **Restaurant** (Rev. 03-10-16; Ord. 731)

An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus, and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by Minnesota Statutes, Section 157.16, as it may be amended from time to time, and meet the definition of either a “small establishment,” “medium establishment,” or “large establishment” as defined in Minnesota Statutes, Section 157.16, subd. 3d, as it may be amended from time to time. An establishment which serves pre-packaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served shall not be considered to be restaurant for purposes of this Ordinance unless it meets the definitions of a “small establishment,” “medium establishment,” or “large establishment.”

### **Retail/Service Establishment**

Stores and shops selling personal services or goods over a counter. These include antiques; art and school supplies; auto accessories, bakeries; barber shop; beauty salons; bicycles; books and stationary; candy; cameras and photographic supplies; carpets and rugs; catering establishment; china and glassware; Christmas tree sales; clothing; drugs; dry goods; dry cleaning and laundry; electrical and household appliances, sales and repair; florist; food; furniture; furrier shops; garden supplies (year-round only); gifts; hardware; hats; hobby shops; hotels; medical and dental offices; laundromats; leather goods and luggage; locksmith shops; music shops; instruments, records, tape cassettes; office supply equipment; paint and wallpaper; photography studios; restaurants; shoes; sporting goods; tailoring; theater (non-open-air); tobacco; toys; variety stores; video stores; and other similar type uses.

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### **Right-of-Way**

The land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.

### **Roof Line**

The uppermost line of the roof of a building, or in the case of an extended facade, the uppermost height of said facade.

### **Setback**

The minimum horizontal distance between a structure and the ordinary high water level bluffline, road and highway right-of-way, alley, and/or lot line or property line.

### **Shooting Range (Indoor) –** *(Amended 7-25-13, Ord 698)*

A facility designated or operated primarily for the use of firearms or archery.

### **Shopping Center**

An integrated grouping of retail/service establishments under single ownership.

### **Strip Centers/Strip Malls**

A commercial building composed of two or more commercial retail shops or services each having its own entrance to the outside and/or from a common interior space or mall and sharing a common parking lot under a single ownership. This includes strip mall, strip center, shopping center, shopping mall, and similar uses or developments.

### **Story**

That part of a building included between the surface of one floor and the surface of the next floor, or if there is not floor above, then the ceiling next above. A basement shall not be counted as a *story*.

### **Structure**

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

### **Structure, Alterations**

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

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### **Structures, Nonconforming**

Any use within the land use district existing prior to the date of enactment of this ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks, or other dimensional standards of this ordinance.

### **Subdivision**

Improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

### **Swimming Pool**

Any enclosure, above or below grade, having a water surface area exceeding 100 square feet and a water depth greater than 18 inches at any point.

### **Tap Room** (Added 04-28-2016; Ord. 733)

A state licensed brewer under Minnesota Statutes Section 304A or other applicable laws of the State of Minnesota permitting the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery or an abutting property in common ownership of the brewer, which may include the sales of malt liquor produced and packaged at the brewery for off premises consumption as allowed by Minnesota Statutes. Along with meeting the requirements of the State of Minnesota the entity must also meet the Federal requirements of the Alcohol and Tobacco Tax and Trade Bureau.

### **Theater**

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

### **Tower**

Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

### **Townhouse**

A single-family dwelling unit occupying its own lot, but attached to one or more other units by a common wall or walls. The term “end”, when used in connection with a townhouse, refers to the unit which has only one abutting wall with another unit. The term

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“interior”, when used in connection with a townhouse, refers to a unit located and abutting two other units.

### **Twinhome**

Two single-family dwelling units each occupying its own lot, but attached to one another or abutting one another at the lot line.

### **Urban Services**

Urban services are services necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

### **Variance** (Rev. 09-08-2011; Ord.672)

Any modification or variation of official controls where it is determined that by reason of unique circumstances not created by the owner, there are practical difficulties in complying with the zoning ordinance. (See practical difficulties)

### **Wetlands**

An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation, and which may have the following characteristics:

- A. Vegetation belonging to the marsh, bog, fen, sedge meadow, shrubland, southern lowland forest, and northern lowland forest communities as described by the U. S. Fish and Wildlife Services.
- B. Mineral soils with grey horizons or organic soils (peat and muck).
- C. Soil which is waterlogged or covered with water at least three (3) months of the year.

### **Wild and Scenic Rum River Protection Area**

A separate chapter of this ordinance intended for the controlling of riverland development to protect and preserve the outstanding scenic, recreational, historic, and scientific values of the Rum River.

### **Yard**

The area between any lot line and the setback required there from.

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### A. Yards, Front

A yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the principal building or any projections thereof. The front Yard shall be facing a public street. In the case of corner lots where two or more sides of a lot front on a street, the property owner shall determine which side shall be the front for the purpose of establishing setback requirements.

### B. Yard, Rear

A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the principal building including any projections. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. **In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.**

### C. Yard, Side

An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

### D. Yard, Street Side

An open space between a main building and street right-of-way line on a corner lot, extending from the front yard to the rear (side yard).

### Zero Lot Line

The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

### Zoning District

An area within the limits of the zoning jurisdiction for which the regulations and requirements governing use, lot, and bulk of structures and premises are uniform.

### Zoning District Map

A map showing the boundaries of the zoning districts and designated as the "Zoning Map."