

902. DEFINITIONS

902.010. GENERAL ZONING TERMS. The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

- A. 1. Accessory Structure. A subordinate structure detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.
2. Accessory Use. A use that:
- Is clearly incidental to and customarily found in connection with a principal building or use.
 - Is subordinate to and serves a principal building or use.
 - Is subordinate in area, extent, or purpose to the principal building or use served.
 - Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or use served.
 - Is located on the same lot as the principal building or use served.
 - May be located within either the principal building or an accessory structure.
3. Agriculture. The use of land for agricultural purposes, including farming, pasturage agriculture, horticulture, floriculture, viticulture and the necessary accessory uses for packing, treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities.
4. Alley. A public right-of-way less than thirty (30) feet in width which affords secondary access to abutting property.
5. Antenna-Commercial. Any equipment, except that as defined as a tower, used for transmitting or receiving electro-magnetic waves including but not limited to telecommunication, television or radio signals, and which is erected for the commercial use of the information. Commercial antennas shall only be allowed as accessory uses.
6. Antenna-Private. Any equipment used for transmitting or receiving electro-magnetic waves including but not limited to telecommunication, television or radio signals and which is erected for the non-commercial use of the information. Any such use is considered a permitted accessory use to the principal use in any Zoning District.
7. Apartment. A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.
8. Aquifer Recharge Areas. All land surface areas which by nature of their surface and/or subsurface characteristics are determined to contribute to the replenishment of subsurface water supplies.

9. Artificial Obstruction. Any obstruction which is not a natural obstruction (see obstruction).
 10. Automobile Repair - Major. General repair, rebuilding or reconditioning of engines, radiators, transmissions, and other drive-train components on motor vehicles (automobiles, trucks, and/or trailers); collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.
 11. Automobile Repair - Minor. Minor repairs (such as tires, batteries, tune-up service, oil changes, and the like), incidental body and fender work, painting and upholstering, replacement (but not “repair”, “rebuilding”, or “reconditioning”) of parts and motor services to passenger automobiles and trucks not exceeding twelve thousand (12,000) pounds gross weight, but not including any operation specified under "Automobile Repair - Major".
 12. Automobile Repair – Salvage. A use of land in which unlicensed or inoperable vehicles, including salvage vehicles, clips, and/or other parts are being stored on site for commercial restoration and rebuilding, or for disassembly, serving as a source of parts or components for the re-manufacturing and/or re-assembly of motor vehicles on the same property and as a part of the same business. This use is distinguished from the storage and resale of such salvage vehicles and parts, which is not an allowed in the City of Little Canada.
 13. Automobile Wrecking or Junk Yard. Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles or merchandise.
- B. 1. Basement. Any area of a structure, including crawl spaces, having its floor or basement sub-grade below ground level on all four sides, regardless of the depth of excavation below ground level.
2. Block. That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or railroad right-of-way or un-subdivided acreage.
 3. Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff):
 - a. Part or all of the feature is located in a shoreland area;
 - b. The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody;

- c. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater; and
 - d. The slope must drain toward the waterbody.
4. Bluff Impact Zone. A bluff and land located within twenty (20) feet from the top of a bluff.
 5. Boarding House. A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.
 6. Boathouse. A structure within the shoreland setback area designed and used solely for the storage of boats or boating equipment.
 7. Buildable Area. The portion of a lot remaining after required yards have been provided.
 8. Building. Any structure used or intended for supporting or sheltering any use or occupancy.
 9. Building Height. A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.
 10. Building Line. A line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.
 11. Business. Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
- C. 1. Carport. An accessory use and/or structure canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three (3) sides.
2. Cellar. That portion of a building having more than one-half (1/2) of the floor to ceiling height below the average land grade.
 3. Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.
 4. Church or other Religious Institution. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, often during hours not typical of commercial land uses, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Common characteristics of such facilities will be a combination of a

variety of land uses (including assembly, office, classroom, and others), which generate traffic during off-peak times for nearby roadways, and which have distinct land use and public impacts from commercial assembly uses.

5. City Tower Site. A location(s) owned or controlled by the City on which is or may be located one or more antennas available for connection and use by any person, firm or corporation in accordance with the provisions of Chapter 903 and upon execution of a lease with the City.
6. Clear-Cutting. The removal of an entire stand of trees.
7. Club or Lodge. A club or lodge is a non-profit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests.
8. Commercial Planned Unit Development. A commercial land use district to which is applied the requirements of the planned unit development as defined by this Ordinance.
9. Commercial Recreation. Bowling alley, golf, pool hall, skating, indoor theaters, indoor firearms or archery range, bingo, dance halls, and amusement centers.
10. Commissioner. The Commissioner of the Department of Natural Resources.
11. Community Center. Land and/or buildings, owned and used by the City of Little Canada, School District No. 623, or a church, for educational, recreational, and multiple human service purposes, which are intended to primarily benefit the residents of the City of Little Canada and the cities which surround it. "Primarily benefit" means that at least fifty (50) percent of the physical facility must be used by the owner/ operator for qualified in-house programs which are designed to service the residents of the City of Little Canada and the cities which surround it. Operating costs may be defrayed by the rental of the remainder of the facility to non-profit organizations, for the purposes stated herein, not to exceed ten (10) percent of the gross floor area of the facility for any one lessee. A Community Center may not include any use which is deemed by the City Council to constitute a detriment to the health, safety and general welfare of the residents of the City.
12. Conditional Use. A use, that because of special control problems the use presents, requires effectuation of reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Municipal Land Use Plan.
13. Conditional Use Permit. A permit issued by the Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

14. Condominium. A multiple dwelling containing individually owned dwelling units, or commercial building containing individually owned business spaces, and jointly owned and shared areas and facilities, which dwelling or business space is subject to the provisions of the Minnesota Condominium Laws, Minnesota Statutes, Sections 515.01 and 515.19, as may be amended.
 15. Contractor's Shops. An establishment which includes offices and associated work space for construction trade contractors, or similar uses. Associated work space may include one or more of the following: enclosed storage, warehousing, showroom (but not retail), and fabrication shop area. Fabrication area is limited to the fabrication of materials and equipment to be used and/or installed by the contractor at an off-site contract location. Contractor's shops do not include the fabrication of materials or equipment which are constructed for sale to other resellers.
 16. Convenience Food Establishments. An establishment which serves food in or on disposable or edible containers in individual servings for consumption on and off the premises.
 17. Cooperative (Housing). A multiple family dwelling owned and maintained by the residents and subject to the provisions of MS 290.09 and 290.13, as may be amended. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.
 18. Crowding Potential The ratio of total acreage to shore miles.
- D. 1. Day Care. The care of children outside of their own homes for a part of the twenty-four (24) hour day by persons unrelated to them by blood or marriage. Day care includes family day care, group family day care, and care in group-day-care centers.
2. Day Care - Family. In Districts permitting single family residential uses, a family day care shall be a permitted use, defined as a program providing day care for no more than five (5) children at one time, or when licensed by the Minnesota Department of Human Services under MN. Stat. 245A.14, up to twelve (12) children at one time, or up to fourteen (14) children as a "group family" daycare, including the family-day-care provider's own children under school age. In Districts permitting multiple family residential uses, a family daycare shall be a conditional use which accommodates up to sixteen (16) children at one time.
 3. Day Care - Group Nursery. A service provided to the public, in which children of school or preschool age are cared for during established business hours, including Montessori School.
 4. 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 (6) inches and no more than three (3) feet six (6) inches

above ground the immediately adjacent grade at any point within two (2) feet of the structure.

5. Department Store. A business that is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.
6. Deposition. Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, floodplains or wetlands.
7. District. A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
8. Diversion. A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.
9. Dog Kennel. Any place where three (3) dogs or more over six (6) months of age are boarded, bred and/or offered for sale except as a veterinary clinic.
10. Draining. The removal of surface water or groundwater from land.
11. Dredging. To enlarge or clean out a waterbody, watercourse, or wetland.
12. Drive-In Establishment. An establishment that accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.
13. Duplex, Triplex. A dwelling structure on a single lot, having two or three units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.
14. Dwelling. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, motels and boarding houses.
15. Dwelling - Mobile Home. A detached residential dwelling unit designed for transportation on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered a mobile home.
16. Dwelling - Multiple (Apartment). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but sharing hallways and main entrances and exits.

17. Dwelling - Quadraminium. A single structure which contains four (4) separate dwelling units, all of which have individually separate entrances.
 18. Dwelling - Single Family. A dwelling designed exclusively for occupancy by one (1) family. A single-family dwelling that has more than one cooking area must be designed so that all cooking areas are accessible in common from the interior of the building to the entire dwelling. Where any building obstruction, including a wall, door, or other structure inhibits full interior common access, the building shall be considered to contain two (2) or more dwelling units.
 19. Dwelling – Townhome, Attached. A residential building containing between three (3) and eight (8) attached dwelling units arranged side by side via common walls, and which have individually accessible front and rear access doorways (includes the term “townhouse”). Townhomes may be parts of residential projects with common area, and must have homeowner’s associations in place that are responsible for exterior and common area maintenance.
 20. Dwelling – Townhome, Detached. A residential building which consists of a single detached residential dwelling, but which is a part of a multi-unit residential project that includes commonly owned property, and is subject to management of a homeowner’s association for exterior and common area maintenance.
 21. Dwelling - Two-Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
 - a. Double Bungalow. A two-family dwelling unit with two (2) units side by side.
 - b. Duplex. A two-family dwelling with one (1) unit above the other.
 22. Dwelling Unit. A residential building or portion thereof intended for occupancy by a family, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers. An individual dwelling unit shall have sleeping, sanitation, and cooking facilities that are shared in common by the family (as defined by this Ordinance) occupying the dwelling unit. Where other sleeping, sanitation, and cooking facilities are accessible from a portion of the dwelling unit that has its own entrance to the outdoors or to a common interior vestibule or hallway, such separate facilities shall constitute a separate dwelling unit.
- E. 1. Efficiency Apartment. A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.
2. Essential Services. The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

3. Equal Degree of Encroachment. A method of determining the location of encroachment lines so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for a significant reach.
- F. 1. Family. A person living alone or any of the following groups, provided that the members of the group live together as a single housekeeping unit and do not exceed the maximum occupancy limits of the applicable building code:
- a. An individual plus one (1) or more persons related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit; or
 - b. Two unrelated people and any children related to either of them; or
 - c. One (1) or more persons occupying a premises, subject to a limit of not more than three (3) unrelated persons eighteen (18) years of age or older. The definition of family is established for the purpose of preserving the character of residential neighborhoods by controlling population density, noise, disturbance and traffic congestion and shall not be applied so as to prevent the City from making reasonable accommodation where the City determines it necessary under applicable federal fair housing laws.
 - d. Group residential facilities meeting the definition of this code, when properly licensed by the Minnesota Department of Human Services or the Minnesota Department of Corrections under MN Stat. 245A.11 and 241.021, or such facilities that are registered with the State of Minnesota, pursuant to MN Stat. 144D, as may be amended.
2. Fence. A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier, or enclosure.
 3. Fence - Boundary Line. All fences located within five (5) feet of a property line.
 4. Fence - Interior Yard. All fences located five (5) feet beyond a property line.
 5. Filling. The act of depositing any rock, soil, gravel, sand or other material so as to fill or partly fill a waterbody, watercourse, or wetland.
 6. Flood. A temporary rise in stream flow or stage which results in inundation of the areas adjacent to the channel.
 7. Flood Frequency. The average frequency, statistically determined, for which it is expected that specific flood stage or discharge may be equaled or exceeded. By strict

definition, such estimates are designated "exceedence frequency", but in practice the term "frequency" is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specific number of years.

8. Flood Fringe. That portion of the floodplain outside of the floodway.
 9. Floodplain. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.
 10. Flood Profile. A graph or a longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.
 11. Flood Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.
 12. Floodway. The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.
 13. Floor Area. The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.
 14. Foster Care. The twenty-four (24) hour a day care of a child in any facility which for gain or otherwise regularly provides one or more children, when unaccompanied by their parents, with a substitute for the care, food, lodging, training, education, supervision or treatment they need, but which for any reason cannot be furnished by their parents or legal guardians in their homes.
- G. 1. Garage - Private. Any accessory building or accessory portion of the principal building which is physically capable of accommodating the storage of a private passenger automobile and which has access doors seven (7) feet or more in width, and in which no business, service, or industry is carried on.
2. Garden Shed. An accessory building which is one hundred twenty (120) square feet in floor area or less, and for which one such shed per lot is exempted from certain performance standards required of other accessory buildings as defined in Section 903.020.D. of the Little Canada Zoning Ordinance. Such sheds do not require the application for, or issuance of, a building permit in R-1, Single Family Zoning Districts, but are subject to applicable Zoning Ordinance regulations. One garden shed meeting this definition shall be exempt from the permitted square footage of accessory building area on R-1 zoned property.

3. Grade (Adjacent Ground Elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
 4. Grading. Changing the natural or existing topography of land.
 5. Group Home, Group Residential Facility. Those facilities meeting the requirements of the State of Minnesota for licensing and/or registration, and which are required by Minnesota Statutes to be allowed as single family dwellings for purposes of zoning. Such facilities may include a single attached caretaker unit accommodating up to two (2) caretaker staff, along with their dependent children, beyond the residence population limits identified in the Statute. Such caretaker unit, if provided, may not be utilized for residents being provided services in excess of the allotted number of residents allowed by Statute or other applicable regulation.
 6. Guest Room. A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.
- H. 1. Hardship. A situation where 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 to 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.
2. Hazardous Materials. For the purposes of outdoor storage regulations, the following materials are defined as hazardous:
 - a. Explosive and blasting agents.
 - b. Flammable and combustible liquids.
 - c. Flammable solids and gases.
 - d. Organic peroxide material.
 - e. Oxidizer material.
 - f. Pyrophoric material.
 - g. Unstable (reactive) materials.
 - h. Water-reactive solids and liquids.
 - i. Cryogenic fluids.
 - j. Combustible fibers.
 - k. Aerosols.
 - l. Highly Toxic and toxic materials.
 - m. Corrosive material.

3. Holiday Display. A display of lights or messages which relate to a specific holiday period. Such displays shall not be considered to be “signs” for the purposes of this ordinance, provided that they comply with the requirements of Section 903.110.B.1.e. and other applicable provisions.
 4. Home Occupations. Any occupation or profession engaged in by the occupants of the dwelling or accessory building when conducted within said dwelling or accessory building, or when conducted upon a parcel of land containing the dwelling unit, provided that evidence of the occupation is not visible from the street. The acts of gardening in such a parcel shall be included therein, but excepted from the requirement that it not be visible from the street. In cases of home occupation as defined herein, there shall be no over-the-counter sale of merchandise produced off the premise, except for those products that are not marketed and sold in a wholesale or retail outlet; examples of such products include but are not limited to the following: Avon, Fuller Brush, and Shaklee Products. In no instances shall the home occupation adversely affect the character of the uses permitted in the Zoning District in which the property is located.
- I.
 1. Impervious Surface. An artificial or natural surface through which water, air, or roots cannot penetrate.
 2. Intensive Vegetation Clearing. the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
 3. Intermittent Stream. A stream or portion of a stream that flows only in direct response to precipitation.
 - J.
 1. Junk Yard. Land or buildings where waste, discarded or salvaged material are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, hides, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles.
 - K. Reserved.
 - L.1.
 1. Land Reclamation. The process of the re-establishment of acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.
 2. Loading Berth. A space accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading and unloading merchandise or materials.
 3. Lodging House. A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.
 4. Lodging Room. A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking

facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

5. Loading Space. That portion of a lot or plot designed to serve the purpose of loading or unloading all types of vehicles.
6. Lot (Of Record). A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance, or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building, or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the Council.
7. Lot. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this Zoning Regulation, having not less than the minimum area required by this Zoning Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street, or a proposed street approved by the Council. A lot shall not be considered to be buildable unless it can take its physical access from the street upon which it has its frontage, without the use of easement or other access over separate property.
8. Lot Area. The area of a horizontal plane within the lot lines.
9. Lot Area Per Unit. The lot area required by this Ordinance to be provided for each family in a dwelling.
10. Lot - Corner. A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.
11. Lot Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.
12. Lot - Double Frontage. An interior lot having frontage on two (2) streets.
13. Lot Frontage. The front of a lot shall be, for purposes of complying with this Ordinance, that boundary abutting a public right-of-way having the least width.
14. Lot - Interior. A lot other than a corner lot, including through lots.
15. Lot Line. A property boundary line of any lot held in a single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.
16. Lot - Through. A lot fronting on two (2) parallel streets.

17. Lot Width. The shortest horizontal distance between the side lot lines measured at right angles to the lot depth measured at the required minimum building setback line.
- M. 1. Medical and Dental Clinic. A structure intended for providing medical and dental examinations and service available to the public, but not including chemical dependency treatment or other uses defined as rehabilitation centers. This service is provided without overnight care available.
2. Mobile Home Park - Independent. An approved mobile home park which has underground utility service to each site and only permits independent mobile homes.
3. Mobile Home Park - Dependent. An approved mobile home park which has underground utility services to each site and also restroom and washing facilities as specified by the State of Minnesota.
4. Mobile Home - Independent. A mobile home which is constructed to utilize a public water and sewer system, an external course of electrical service, and an external source for heating and shall be equipped with a stool, shower or tub, and laundry facilities.
5. Motel/Hotel. A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.
6. Motor Fuel Station. A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on the premises, and including minor accessories and services for automobiles, but not including major repairs and rebuilding.
- N. 1. Natural Drainage System. All land surface areas which by nature of their contour configurations, collect, store and channel surface water runoff.
2. Natural Obstruction. Means any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.
3. Neighborhood Center. A neighborhood center would be similar in structure and scope to a community center, but would be smaller in size and intended for the use of the residents within the immediate vicinity of the neighborhood center.
4. Non-Conforming Structure or Use. Any structure or use which on the effective date of this Ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this Ordinance.

5. Nursing Home (Rest Home). A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.
- O.
1. Obstruction (Floodplain). Any storage of material, or equipment, any dam, wall wharf, embankment, levee, road, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill deposit, clearing of trees or vegetation, structure or matter in, along, across, or projecting, in whole or in part, into any floodplain.
 2. Off-Street Loading Space. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.
 3. Office Showroom. A commercial land use that is comprised of offices and other indoor floor area in which large or bulk goods are both on display for sale, and being warehoused in the same space. Examples of such uses commonly include furniture, building materials, or other similar uses. Characteristics of such uses include a lack of other on-site warehousing.
 4. Office Warehouse. A commercial land use that is comprised of offices and other indoor space in which materials and equipment are being stored for shipping to other locations for eventual resale or use. Office Warehouse does not include on-site retail sales.
 5. Offices, Commercial and Professional. A commercial use involving predominantly administrative, clerical, or professional operations. Commercial offices may include professional and administrative training, but shall not include direct retail commercial transaction activities. Offices may include storage as an accessory use, but must utilize no less than fifty percent (50%) of the gross floor space of the building for office purposes.
 6. Open Sales Lot. Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.
 7. Ordinary High Water Level (OHW). The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. The OHW is established by the Minnesota Department of Natural Resources.

8. Outdoor Storage: An accessory use of property for storage of equipment or materials that do not need protection from the weather, or the keeping of utility trailers (but not including semi-trailers) no greater than twelve (12) feet high, eight (8) feet wide, or thirty (30) feet in length, in which materials are housed, or on which equipment is stored. No trailers (including semi-trailers) may be used to house continuous accessory storage, and all such trailers must be moved off-site no less than twenty five (25) percent of the year.
 - a. Outdoor Storage Equipment: Mechanized construction equipment and the like which is capable of moving under its own power.
 - b. Outdoor Storage Materials: Any other item that is stored outdoors awaiting processing on site or shipping to other locations off-site, including construction materials, parts, raw materials, or finished products.
9. Outdoor Storage – Off-Site: The storage of materials and/or equipment on a property as an accessory use, where the owner of the materials and/or equipment operates the principal business on another parcel than the one on which the principal business is located.
10. Out-Patient Care. Medical examination or service available to the public. This service is provided without overnight care.
11. Over Burden. The earth rock and other materials that lie about a natural deposit of mineral.
- P. 1. Parking. The keeping of a licensed and operable passenger vehicle, light truck, commercial vehicle, or other motor vehicle licensed for self-propelled operation on public roadways for temporary periods of time, in which the vehicle is moved regularly. Parking is not intended to include long-term storage of vehicles of any kind, regardless of their state of licensure or operability.
2. Parking Space. An area enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile, and which meets all of the requirements of Section 903.050.
3. Patio. A recreation area that adjoins or is related to a dwelling at grade or principal structure, is no more than six (6) inches above the immediately adjacent grade at any point within two (2) feet of the patio, is often paved with concrete, stone or masonry materials, and is typically adapted especially to outdoor dining.
4. Permitted Use. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulation, and performance standards (if any) of such districts.

5. Person. An individual, firm, partnership, association, corporation, or organization of any kind.
6. Porch. A covered portion of a residential dwelling attached to the principal building which projects into a rear or side yard.
7. Predevelopment Tree Crown Cover. The gross land area covered by the horizontal spread of the existing trees on a site prior to development. Such area shall be measured according to an actual tree survey, if available, demonstrating the natural condition of the property prior to vegetation alteration; or if a reliable survey is not available, such area shall be measured according to the most recent aerial photography of the subject site demonstrating the natural condition of the property prior to vegetation alteration within the previous ten (10) years.
8. Principal Building. A building in which the primary use of the lot (on which the building is located) is conducted.
9. Principal Use. The primary use of land or structures, as distinguished from a subordinate or accessory use.
10. Public Parks. Any park, playground or open space designated as a public use which is dedicated or reserved for recreation purposes.
11. Public Pedestrian Trails. A narrow strip of land for non-motorized travel designated as a public use.
12. Public Use. Uses owned or operated by municipal, school district, county, state, or other governmental units.
13. Public Utility Structure. A self-supporting lattice tower or monopole structure upon which wires are hung for the transmission of electrical current which is owned and maintained by a government-regulated electric utility company.
14. Public Waters. Any waters as defined in Minnesota Statutes, Section 1036.005, Subdivision 15.
15. Public Waters - Natural Environment. Those waters whose shores are generally characterized by low density, single family residential development as determined by Minnesota Reg. NR 82.
16. Public Waters - Tributary River Segments. Tributary river segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes in Items 112, 113, 114 and 115a. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities, as determined by Minnesota Reg. NR 82.

- R. 1. Railroad. Any property that is currently owned, leased, or operated by a railroad company or a subsidiary of a railroad company.
2. Recreation - Field or Building. An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Ordinance.
3. Recreational Vehicle. A self-propelled vehicle which is used primarily for recreational purposes.
4. Reach (Flood). A hydraulic engineering term to describe a longitudinal segment of a stream of a river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.
5. Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.
6. Regulatory Flood Protection Elevation. A point not less than one (1) foot above the elevation of the floodplain, plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood-proofed.
7. Rental Hall. A structure, or portion thereof, made available for compensation for private use by groups for assembly, for prearranged periods of time.
8. Rehabilitation Center. A state licensed facility that offers physical, vocational, or mental rehabilitative services to patients without overnight care. Such services may include chemical dependency treatment, treatment for physically or mentally disabled persons, or similar services.
9. Residential Planned Unit Development. A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, detached townhomes, cooperative, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five (5) dwelling units or sites.
10. Restaurant. An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

11. Riparian. Property which has frontage on a navigable waterway. This does not include a property with a remnant piece separated by a road right-of-way when the buildable portion of the property does not directly abut the waterway.
 12. Roof Line. Is defined as the top of the coping or, when the building has a pitched roof, as the intersection of the outside wall with the roof.
- S.
1. Salvage Vehicle Repair: A use of land in which unlicensed or inoperable vehicles, including salvage vehicles, clips, and/or other parts are being stored on site for commercial restoration and rebuilding, or for disassembly, serving as a source of parts or components for the re-manufacturing and/or re-assembly of motor vehicles on the same property and as a part of the same business. This use is distinguished from the storage and resale of such salvage vehicles and parts, which is not an allowed in the City of Little Canada.
 2. Satellite Dish. A parabolic shaped television or radio signal receiver including all supporting apparatus) which is located on the ground or exterior of, or outside of any building or structure. Devices of less than one meter in diameter in all zoning districts, and two meters in diameter in commercial or industrial districts shall be considered permitted accessory uses. All others shall require a conditional use permit.
 3. Screening. The presence of an artificial barrier, vegetation, or topography which makes any structure on any property visually inconspicuous.
 4. Senior Citizen Housing. A multiple dwelling building with open occupancy limited to persons over fifty five (55) years of age.
 5. Sensitive Resource Management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
 6. Setback. The minimum horizontal distance between a building and street, lot line, public street easement line, ordinary high water mark or bluff line. Distances are to be measured from the most outwardly extended portion of the structure, except as may be specifically provided for in this Ordinance.
 7. Sewer System. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
 8. Shopping Center. An integrated grouping of commercial stores, under single ownership or control.
 9. Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

10. Shoreland. Land located within the following distances from public waters: One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.
11. Sign. The use of any words, numerals, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business and are visible to the general public.
12. Sign - Address. A sign communicating street address only, whether script or in numerical form.
13. Sign - Advertising. A billboard, poster panel, painted bulletin board, or other communication device which is used to advertise products, goods, and/or services which are not exclusively related to the premise on which the sign is located.
14. Sign Area. That area with the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building, that area which is included in the smallest rectangle or series of geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon.
15. Sign - Area Identification. A freestanding sign which identifies the name of a single or two-family residential subdivision consisting of twenty (20) or more lots; a residential planned unit development; multiple residential complex consisting of three (3) or more structures; an office or business structure containing three (3) or more independent operations; a single business consisting of three (3) or more separate structures existing on individual platted lots or as a planned unit development; or any integrated combination of the above. Said sign shall be limited only to the identification of an area or complex and shall not, unless approved by the City Council, contain the name of individual owners or tenants. An area identification sign shall contain no advertising.
16. Sign - Bench. A sign which is affixed to a bench such as at a bus stop.
17. Sign - Business. Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premise where such sign is located.
18. Sign - Campaign. A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted on at a governmental election.

19. Sign - Canopy. Any message or identification which is affixed to 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 of a store, building or place of assembly.
20. Sign - Construction. A sign placed at a construction site identifying the project or the name of architect, engineer, contractor, financier or other involved parties.
21. Sign - Directional. A sign erected on public or private property which bears the address and/or name of a business, institution, church or other use of activity plus directional arrows or information on location.
22. Sign - Directory. An exterior informational wall sign which identifies the names of businesses served by a common public entrance in a shopping center.
23. Sign – Dynamic. A sign which, through movement, whether mechanical, electronic, or otherwise, creates an impression of a changing message to the viewer.
24. Sign – Electronic. A sign in which the message, whether text or graphics, is generated through the use of electronic lights or clusters of lights. Electronic Signs shall not be construed to include signs in which the message is only illuminated by electric lighting.
25. Sign - Holiday Signs. A holiday sign shall be defined as decorations and/or messages which recognize an official national, state or local holiday.
26. Sign - Illuminated. Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
27. Sign - Informational. Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification. Gas price signs may be considered an informational sign above the size limitations imposed within the respective zoning district.
28. Sign - Institutional. A sign which identifies the name and other characteristics of a public or semi-public institution on the site where the sign is located.
29. Sign - Integral. A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
30. Sign - Maximum Height Of. The vertical distance measured from the grade to the top of such a sign.
31. Sign - Minimum Height Of. The vertical distance measured from the nearest finished grade to the lower limit of such sign.

32. Sign - Motion. Any sign which revolves, rotates, has any moving parts or gives the illusion of motion.
33. Sign - Non-Conforming.
- a. Legal. A sign which lawfully existed at the time of the passage of this Ordinance or amendment thereto, but which does not conform with the regulations of this Ordinance, is legal.
 - b. Illegal. A sign which was constructed after the passage of this Ordinance or amendments thereto and does not conform with the regulations of this Ordinance is illegal.
34. Sign - Portable. A sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device, or structure.
35. Sign - Projecting. A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.
36. Sign - Real Estate. A business sign placed upon a property advertising that particular property for sale, for rent or for lease.
37. Sign - Roof. Any sign which is erected, constructed or attached wholly or in part upon or over the roof of a building.
38. Sign - Rotating. A sign which revolves or rotates on its axis by mechanical means.
39. Sign - Structure. The supports, uprights, bracing and framework for a sign including the sign area.
40. Sign - Temporary. Any sign which is erected or displayed for a specific period of time.
41. Sign - Wall. A sign which is affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than twelve (12) inches from the surface to which it is attached, nor extend beyond the top of the parapet wall.
42. Sign - Wall Graphic. A sign which is painted directly on an exterior wall surface.
43. Sign - Window. A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.
44. Significant Historic Site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Site, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the director

of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

45. Slope. Means the degree of deviation of a surface from the horizontal usually expressed in percent or degree.
46. Sports and Health Club. A business offering physical fitness facilities and programs, sports activities, lessons, and/or practice facilities to the public or to private membership under the supervision of an attendant, including exercise programs, swimming pools, handball, tennis and racquet courts, batting cages, gymnasiums, or other similar facilities. Self-service or coin-operated games are not included within the meaning of this use.
47. Staff - City. The Little Canada City staff shall include those persons or firms, whether on a salaried or contract basis, under the authority of the City Council, who fill the following positions: City Administrator, City Clerk, Zoning Administrator, Building Official, City Engineer, City Attorney, City Planner, Financial Advisor, Bond Consultant, or other positions designated by the City Council.
48. Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
49. Story. That portion of a building included beneath the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.
50. Story - Half. That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story, and basements where less than one-half (1/2) of the floor to ceiling height is below the average of the highest and lowest point of that portion of the lot covered by the building.
51. Street. A public thoroughfare typically fifty (50) feet or more in right-of-way width which has been approved by the City as part of an official plat or by approved easement.
52. Street Frontage. The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) or more frontages.

53. Structure. Anything which is built, constructed or erected; an edifice or building of any kind or any piece of work artificially built up and/or composed of parts jointed together in some definite manner whether temporary or permanent in character.
54. Structural Alterations. Any change in the supporting members of a building, such as bearing walls, column, beams or girders.
55. Surface Water-Oriented Commercial Use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
- T. 1. Toe of the Bluff. The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
2. Top of the Bluff. The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
3. Tower-Commercial. Any pole, spire or structure, or combination thereof including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade and which is erected for the commercial use of information. Commercial towers shall only be allowed as accessory uses.
4. Tower-Private. Any pole, spire or structure, or combination thereof including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade and which is erected for the non-commercial and non-vendor use of information.
- U. 1. Upland. Means all lands at an elevation above the normal high water mark.
2. Use. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.
3. Usable Open Space. A required ground area or terrace area on a lot which is graded, developed, and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, and parking areas shall not constitute usable open space.
- V. 1. Variance. The waiving by Council action of the literal provisions of the Zoning Ordinance in instances where their strict enforcement would cause undue hardship

because of physical circumstances unique to the individual property under consideration, and other requirements as found in Section 922 of this Chapter.

2. Vegetation. Means the sum total of plant life in some area; or a plant community with distinguishable characteristics.
 3. Vehicle Storage. The keeping of any material or equipment that does not qualify both as (1) a vehicle which can be “parked” and (2) kept for periods longer than that defined for parking.
- W. 1. Water-Oriented Accessory Structure or Facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
2. Waterbody. Means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.
 3. Watercourse. Means a channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year-around or intermittently.
 4. Watershed. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.
 5. Wetlands. Wetlands shall be those areas that meet the definitions and requirements of the Minnesota Wetlands Conservation Act.
- X. Reserved.
- Y. 1. Yard. All of the open space on a lot which is occupied and unobstructed from its lowest level to the sky. A yard extends between a lot line, at right angles to such lot line, and the nearest line of a building.
2. Yard - Front. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.
 3. Yard - Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
 4. Yard - Rear Depth. The mean horizontal distance between the rear line of the building and the center line of an alley, where an alley exists; otherwise, a rear lot line.
 5. Yard – Required. A portion of the front yard, side yards, or rear yard which is required by setback standards.

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

902.020. ADULT USE TERMS. The following words and terms related to adult uses, wherever they occur in this ordinance, shall be interpreted as herein defined:

1. Adult Uses. Adult uses include adult book stores, 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 Statutes 617.241 are not included.
2. Adult Use - 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.
3. Adult Uses - 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 substance, 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 distinguished 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 or Motel. Adult hotel or 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 of 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 areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

- 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 motor 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 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 Use - 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 Use - 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".
4. Specified Anatomical Areas.
- a. 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
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
5. Specified Sexual Activities.
- a. 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 a sexual relationship, and any of the following sexually-oriented acts or conduct. anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

- b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
- e. 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 person; or
- f. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
- g. Human excretion, urination, menstruation, vaginal or anal irrigation.

(Amended: Ord. 187, 214, 232, 233, 260, 272, 288, 295, 341, 353, 378, 448, 449, 454, 455, 468, 481, 497, 505, 518, 534, 537, 557, 734, 762, 767, 780, 789, 827)