

## NOTICE OF AGENDA

### PLANNING COMMISSION MEETING

[City of Forest Lake - Link to Meeting Livestream](#)

Forest Lake City Center – Council Chambers  
Forest Lake, Minnesota

**February 26, 2025 – 7:00 PM**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approve the Agenda (Action)
5. Election of Officers
6. Open Forum - Citizen Petitions, Requests and Concerns: Please sign in at the front table. *The Open Forum is available for residents to express personal opinions for any item of business. Please limit your comments to three (3) minutes.*
7. Consent Agenda Considerations (Action Items)\*
  - a. Approve Minutes from Regular Meeting of January 22, 2025

*\*Planning Commission may remove any item from the consent agenda for specific consideration.*
8. Regular Agenda (Action Items)
  - a. Public Hearing: Zoning Ordinance Text Amendment regarding Maximum Density in Multi-Family (MF) Zoning District: Ordinance No.749 (Case File No. PZ25-1302)
  - b. Public Hearing: Zoning Ordinance Text Amendments: (Case File No. PZ25-1293)
    1. Definitions: Ordinance No. XXX
    2. Lighting Regulations: Ordinance No. XXX
    3. Landscaping Regulations: Ordinance No. XXX – Recommend table to future meeting
9. Discussion
10. Updates
11. Adjourn

\*A quorum of the City Council is possible at all Board and Commission Meetings



# Planning Commission

## Regular Meeting

~ Minutes ~

1408 Lake Street South  
Forest Lake, MN 55025  
[www.ci.forest-lake.mn.us](http://www.ci.forest-lake.mn.us)

Wednesday, January 22, 2025

7:00 PM

City Center - Council Chamber

[City of Forest Lake - Livestream and Recorded Meetings](#)

### 1. Call to Order

The Meeting was called to order at 7:00 p.m.

### 2. Roll Call

Attendee Name	Title	Status	Arrived
Paul Girard	Commission Chair	Present	
Susan Young	Commission Vice-Chair	Present	
Kevin Miller	Planning Commissioner	Present	
Don Stehler	Planning Commissioner	Absent	
Vacant	Planning Commissioner		
Jesse Wagner	Planning Commissioner	Present	
Tim Stender	Planning Commissioner	Present	

### 3. Pledge of Allegiance

### 4. Approve the Agenda

No comments on the Agenda.

**Motion:** Commissioner Stender made a Motion to Approve the Agenda as presented.  
Motion seconded by Commissioner Miller. Motion carried 5-0.

### 5. Open Forum – Citizens Petitions, Requests, and Concerns

*The Open Forum is available for residents to express personal opinions for any item of business.  
Please limit your comments to three (3) minutes.*

None.

### 6. Consent Agenda Considerations (Action Items)\*

#### a. Approve Planning Commission Meeting Minutes from January 8, 2025

No comments on the Consent Agenda.

**Motion:** Commissioner Miller made a Motion to Approve Consent Agenda Item 6.a.  
Motion seconded by Commissioner Young. Motion carried 4-0-1 (Stender abstained).

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### 7. Regular Agenda (Action Items)

#### **a. Public Hearing: Variance for Side Yard Setback – 518 8th Ave NW – Cathy Bentfield (PZ24-1290) – Resolution No. 01-22-25-01**

City Planner Roberts provided a background on the request for a variance for the side yard setback. He explained that the applicant was requesting the City to allow her to replace a crumbling patio with a deck that would require a 5-foot side yard setback. He stated that the resident started building the deck before receiving a building permit. The City put a stop order to the construction and the resident updated the construction plans of the deck and applied to the City for a setback variance. City Planner Roberts reviewed the criteria that the Planning Commission needs to review when considering a variance. He said that the staff recommends the Planning Commission adopt the resolution in the packet.

Public Hearing was opened at 7:11 p.m.

Janet Rondeau, 524 8th Ave NW, said that she would love for her neighbor to have a nice deck. She asked how wide the deck would be coming outside of the door. City Planner Roberts said he thought it would be five to six feet wide at the narrowest point. Ms. Rondeau said that the current deck did not go to the back but asked if the proposed deck went to the back. City Planner Roberts confirmed this information.

Bruce Wolfbauer, 607 8th Ave NW, commented that he would like their neighbor to build the deck. He provided history about the lot size and house layout.

Joshua Showen, 507 8th Ave NW, said that the patio was wider, but the deck would be narrower.

Chair Girard asked if Mr. Showen constructed the deck as it is currently. Mr. Showen confirmed he did.

Chair Girard asked if Mr. Showen was unaware that he needed building permits in Forest Lake. Mr. Showen answered they were aware they needed building permits, but thought they could still construct it.

Janet Rondeau, 524 8th Ave NW, commented that her husband was concerned about the property line. She asked if the v portion legally belonged to them. Chair Girard confirmed this information.

Commissioner Stender asked if the patio was removed before installing the deck or if it was left underneath. Mr. Showen answered that it was left underneath.

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Commissioner Stender stated he did not see stairs accessing the new deck and asked where they would go. Mr. Showen answered that the applicant wanted two sets of stairs and they would be included in the final plan.

Public Hearing was closed at 7:17 p.m.

Commissioner Girard asked if the drawing needed to be attached to the resolution, so the intent of the variance was clear. City Planner Roberts answered that the resolution did not specifically say that, but if the Planning Commission wanted to allow the five-foot setback and condition it to follow the site plan as included in the staff report, it would be appropriate.

**Motion:** Commissioner Young made a Motion to Adopt Resolution 01-22-25-01, Approving a 5.0-Foot Side Yard Setback Variance Request to Allow the Construction of an Attached Deck with a 5.0-Foot Side Yard Setback at the Property Located at 518 8th Ave NW, with an amendment to the eighth WHEREAS to say that after much discussion and review, the Forest Lake Planning Commission moved to approve the five-foot side yard setback variance to allow the proposed deck addition as shown in the attached drawing from the side property line.

Motion seconded by Commissioner Wagner. Motion carried 5-0.

Chair Girard noted that the Planning Commission is the final decision unless individuals have concerns. The decision will stand as-is in a week.

**b. Public Hearing: Variance for Lot Size – 18323 Forest Boulevard North – Dan Emery (PZ24-1295) Resolution No. 01-22-25-02**

City Planner Roberts provided a background on the request for a variance for lot size at 18323 Forest Boulevard North submitted by Mr. Daniel Emery. He reviewed the zoning of the area and the land use designation. He stated that a ten-acre property or a five-acre property was characteristic of the area. He discussed the sanitary sewer staging and said that the City did not expect the sewer to get to this area anytime soon, which was important because the Comprehensive Plan showed the corridor for medium-density residential and mixed-use development and that both of these types of development will need sanitary sewer and water. He said a ten-acre piece would allow for more development when sanitary sewer reaches the location. He noted that the applicant wanted more acreage so he could potentially have more accessory buildings. He said that Commissioner Young noted a piece of land greater than ten acres could have two detached accessory buildings. If a resident wanted more than two buildings, they would need a twenty-acre lot.

Commissioner Miller asked if there were accessory buildings on the property. City Planner Roberts answered that there was a detached garage and a pole barn. Commissioner Miller said that there

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were two buildings so the applicant was at the maximum for accessory buildings currently. City Planner Roberts confirmed this information.

Dan Emery, applicant, 51 Clarence Ave SE, Minneapolis, introduced himself.

Commissioner Young clarified that Mr. Emery understood he could only have two accessory buildings on the property. Mr. Emery confirmed this information and did not think it would be an issue.

Commissioner Young asked if he understood how much of the property was wetland. Mr. Emery confirmed the information. Mr. Emery said that they considered going to twenty acres, but it did not make sense with the future potential development of the property.

Public Hearing was opened at 7:30 p.m.

No comments.

Public Hearing was closed at 7:31 p.m.

Chair Girard said it would create a non-conforming lot still because of the agricultural zoning, but he did not see any problem with it.

**Motion:** Commissioner Stender made a Motion to Adopt Resolution 01-22-25-04, Approving a Lot-Area Variance Request to Allow the Creation of a 10.1-Acre Parcel for the Property Located at 18323 Forest Boulevard North.

Motion seconded by Commissioner Wagner. Motion carried 5-0.

City Planner Roberts noted that the motion should be for the actual resolution included in the packet of materials. Commissioner Stender indicated the motion was for the resolution.

Chair Girard commented that this would move forward if no one challenged the decision in the next seven days.

## 8. Discussion

### a. Landscape Ordinance Revisions

City Planner Roberts provided background information about the landscape regulations text amendments. He highlighted the important changes to the proposed zoning code text amendments and explained the rationale behind the changes. He stated that the most challenging language change is how many trees and shrubs the ordinance now requires a developer to plant.

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Commissioner Miller asked about item m and they are allowing seeding, he asked if there was something in place to mitigate erosion until the seeding takes hold. City Planner Roberts confirmed that mitigating erosion was a standard by the City and the Watershed.

Commissioner Wagner asked about the landscape guarantee, which stated that all plants would be guaranteed for one full year. He asked if all the trees died after two years, they would not be required to be replanted. City Planner Roberts answered that he thought the landscaping had to be maintained.

Commissioner Young asked if it was on page 58, item D.2. She thought that the item was not as strong, since it required notification by the City, which does not always happen.

Chair Girard asked if there needed to be additional language in the landscape ordinance. City Planner Roberts said if they received a complaint about all the landscaping dying, the City would investigate it.

Chair Girard asked about irrigation. He referred to items 153.135 B9 and 136 F and said he would like the requirements to match from an ordinance standpoint. City Planner Roberts answered that if they could plant materials that do not require irrigation, it did not make sense to require irrigation of everything.

Chair Girard said a designer would be squeezed by the developer for every nickel. City Planner Roberts suggested that they could drop the last part of the language about the designer determining the irrigation.

Commissioner Young said that native plantings require irrigation for the first one to three years. City Planner Roberts suggested number nine could read the location and preliminary design of the inground irrigation system for landscape areas.

Chair Girard voiced approval for the change. He discussed the sizes of the trees and nursery recommendations about smaller trees exceeding the growth of a larger tree.

Commissioner Young commented that a one-and-a-half-inch caliper had a trunk of a specific size.

Chair Girard said that the ordinance was a two-and-a-half-inch caliper. He asked if it was a ten- or twenty-gallon pot and commented that they wanted it spaded.

Commissioner Young commented that she helped a neighbor put in a red maple that was in a twenty-gallon pot.

City Planner Roberts said the City was most concerned about the caliper inches of the materials at the time of planting.

Commissioner Young suggested deleting the first sentence and just requiring the caliper size. City Planner Roberts confirmed that she was not concerned whether they come ball and burlap or

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spaded. Commissioner Young confirmed this information, and she suggested deleting the first sentence.

Commissioner Young referred to page 49, which discussed the landscape plans for major subdivisions, and asked how one plant unit was defined. City Planner Roberts said he never remembered seeing a landscape plan for a major subdivision. They checked that four trees were planted per lot with the building permits. He said that they required boulevard tree planting for subdivisions. He would need to clarify this information.

Commissioner Young discussed the importance of trees for air quality, and to shade houses. She voiced concerns about developers not planting enough trees. City Planner Roberts clarified that item required four trees per residential lot and item b covered every other type of development in town, such as commercial or institutional sites.

Commissioner Young asked about taking out the major subdivision. City Planner Roberts said he would check into this. He discussed the requirement for boulevard trees to be planted every 30 to 40 feet.

Commissioner Young said there needed to be a definition for a plant unit. City Planner Roberts referred to item d on page 52. He said any one of those plants was described as a plant unit.

Commissioner Young voiced concerns about a conflict requiring four trees per lot or one plant unit. City Planner Roberts responded the City required the most restrictive.

Commissioner Young voiced favor for item six on page 50 because many times plant units are not drawn to scale. She said item nine about irrigation was vague and asked if it was for the long-term viability of the plantings or just for one year. She said item c, she liked that it was the Planning Commission. Commissioner Young referred to page 51 about establishing permeant ground cover within six months of occupancy. She said properties that were being built were bare ground and expressed concerns about irrigation. She stressed the need to get the surface covered temporarily in less than six months since the bare ground fills up retention ponds.

City Planner Roberts said that the Watershed District has rules about construction and development sites to monitor erosion control. He said the Watershed District is supposed to notify the builders when there are erosion control issues, even temporarily.

Commissioner Young expressed concerns about the performance on 202nd Street this last fall. She expressed favor for the addition of item g on page 52. She appreciated the addition of the words about traffic visibility. Commissioner Young asked about item d on page 53, since indigenous would be a true native that had never been improved. She suggested different wording options.

City Planner Roberts asked about changing the wording from indigenous to compatible. Commissioner Young confirmed this information.

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Commissioner Young asked about the meaning of an objectionable view. She asked if dumpsters would be enclosed by landscaping. City Planner Roberts suggested updating the language to talk about apparent views since objectional views were difficult to define.

Chair Girard suggested including the phrase etcetera to define additional views.

Commissioner Young asked about item l on page 56 and asked for clarity. City Planner Roberts answered that he would check the wording of the sentence.

Commissioner Young voiced appreciation for item m on page 56. She asked if the first paragraph after m should be numbered. She voiced appreciation for number six on page 58.

City Planner Roberts thanked the Planning Commission for the comments and said staff and the planning consultant would sort through the necessary changes to this information and the proposed changes to the definitions to schedule a public hearing.

## 9. Updates

Councilmember Larson reviewed the items discussed at the City Council meeting on January 13. He stated the City Council would interview two candidates for the open seat on the Planning Commission next week.

City Planner Roberts asked if the City Administrator would start on February 18. Councilmember Larson confirmed this information.

City Planner Roberts said the next scheduled Planning Commission meeting was February 12. There are currently no new applications, so the Planning Commission might have the night off. He said that the two concept plans reviewed at the last Planning Commission meeting would go to the City Council on January 27 for their review and comments.

Commissioner Miller said that Mayor Roberts discussed the budget for parks on the plat off Goodview. He stated it would make a great natural park with a pond and trees. He asked for Councilmember Larson to review this information with Mayor Roberts. Councilmember Larson confirmed he would review this information.

Commissioner Young said that the trail he referred to was a private development with private roads. The trails would have to be maintained by the Homeowners Association since they were not owned by the City. She explained the value of parks to help promote community development. City Planner Roberts explained the importance of the City acquiring land even if the City did not currently have the funds to develop the parks.

Commissioner Young discussed leveraging a community business for development in Dragon Park.

Councilmember Larson mentioned previous Park Commission members expressed interest in rejoining the Parks Commission.





# Planning Commission

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### 10.Adjourn

**Motion:** Commissioner Miller made a Motion to Adjourn the meeting at 8:25 p.m.  
Motion seconded by Commissioner Wagner. Motion carried 5-0.

**Date:** February 26, 2025

**To:** Chair Girard and Planning Commission Members

**From:** Abbi Wittman, Community Development Director  
Ken Roberts, City Planner

**Re:** Zoning Code Ordinance Amendment – Public Hearing

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## Introduction/Background

James McKinnion has made application to amend Zoning Code Section 153.323 (A), Multiple-Family Residential (MF) District. Subsection A reads as follows:

(A) *Purpose.* The Multiple-Family Residential (MF) District is intended to establish areas for the development of multiple dwelling structures with a maximum density of **15** units per net acre; to maintain a residential character in areas with a high density, multiple-family development; to broaden the choice of residential living styles in the city; to set limitations on housing development density; and to promote quality development by following a thorough application, review, and approval process.

The requested zoning code text amendment is to change the maximum permitted density from 15 units per net acre to 20 units per net acre.

## Discussion

The City's adopted 2040 Comprehensive Plan has several land use categories that describe the intended and expected land uses of property in Forest Lake. The High Density Residential category is described as follows:

"Residential purposes include duplexes, triplexes, townhomes, apartment buildings and condominiums. It may also include open space within or adjacent to or related to a residential development. Density is intended to be 15 to 20 units per acre."

The proposed zoning ordinance text amendment would allow residential developments in the MF District to occur with a density of up to 20 units per net acre rather than the current limit of 15 units per net acre. Increasing the allowed density in the MF District would make the Zoning Code consistent with the Comprehensive Plan. The proposed zoning ordinance text amendment

to make the zoning code consistent with the Comprehensive Plan is a best practice for land use and zoning management.

## **Recommendation**

Staff recommends the Planning Commission open the public hearing, take public comment, close the hearing, and discuss the enclosed Zoning Ordinance Text Amendment. After all discussion has occurred, staff recommends the Commission **move to recommend the City Council adopt the proposed Ordinance Amending Title XV, Land Usage, Chapter 153, Section 153.073, Multiple-family Residential District, Section (A), Purpose.**

## **Attachments:**

1. Proposed Zoning Code Ordinance Amendment 748

**CITY OF FOREST LAKE  
WASHINGTON COUNTY, MINNESOTA  
ORDINANCE NO. 748**

**AN ORDINANCE AMENDING TITLE XV, CHAPTER 153, SECTION 153.073,  
MULTIPLE-FAMILY RESIDENTIAL DISTRICT, SECTION (A), PURPOSE**

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THE CITY COUNCIL OF THE CITY OF FOREST LAKE ORDAINS AS FOLLOWS:

**Section 1. Amendment.** Title XV, Chapter 153, Section 153.073 (A) of the Forest Lake City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code, the ~~struck-out~~ text shows the deletions, and all other Section text shall remain unchanged.

(A) *Purpose.* The Multiple-Family Residential (MF) District is intended to establish areas for the development of multiple dwelling structures with a maximum density of ~~15~~ 20 units per net acre; to maintain a residential character in areas with a high density, multiple-family development; to broaden the choice of residential living styles in the city; to set limitations on housing development density; and to promote quality development by following a thorough application, review, and approval process.

**Section 2. Effective Date.** This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the 10<sup>th</sup> day of March, 2025.

**CITY OF FOREST LAKE**

By: \_\_\_\_\_  
Blake Roberts  
Its: Mayor

Attested:

By: \_\_\_\_\_  
Jolleen Chaika  
Its: City Clerk

(Published in the *Forest Lake Times* on March 13, 2025)

**Date:** February 26, 2025

**To:** Chair Girard and Planning Commission Members

**From:** Ken Roberts, City Planner

**Re:** Zoning Code Ordinance Text Amendments – Public Hearing – Definitions, Landscaping and Lighting Regulations

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## **Introduction/Background**

On December 11, 2024, the Planning Commission reviewed and discussed proposed changes, corrections and deletions to the definitions in the zoning ordinance. After much discussion, the Commission and staff agreed to bring back to the Commission final versions of the proposed changes to the definitions.

During this meeting the Commission started their review of the existing landscape ordinance. There was discussion about the challenges developers and staff have encountered with trying to meet the existing minimum planting standards for commercial and industrial projects. Staff agreed to bring back to the Commission more information and choices for revisions to the landscape ordinance.

On January 22, 2025, the Planning Commission reviewed more proposed updates to the landscape standards in the zoning code. The Commission had several suggested changes to the proposed landscape ordinance.

## **Discussion**

A summary of the proposed changes is as follows:

1. City staff and the City's Planning consultant reviewed the comments of the Planning Commission on December 11, 2024 about the proposed changes to the definitions. We have added definitions and have clarified other definitions to ensure they are consistent with State Law, Washington County regulations and best practices.
2. The City's Planning Consultant and City staff proposing the City reorganize the location of the lighting and landscaping standards in the Code. The current zoning code has several sections with references to lighting and landscaping standards. We are proposing to combine and standardize the landscaping standards and lighting standards into one section for each in the code for easier reference.

3. We are proposing to reorganize and group together in one place all the relevant lighting standard in the zoning code.

For each of the above set of proposed changes, City staff and MSA consultants have prepared a cover memo that gives an overview of the proposed changes and a proposed ordinance showing the changes as they will be presented to the City Council for adoption.

City staff advertised in the Public Hearing Notice for this meeting that the Commission would consider changes to the City Landscape regulations. Unfortunately, City staff did not complete all the revisions to the landscape regulations. As such, the Commission will not be acting on them at this meeting and staff will readvertise the Public Hearing for the revisions to landscape regulations for a future Planning Commission meeting.

At the Commission's meeting, MSA staff will present the Planning Commission with an overview of the proposed definition and lighting ordinance text amendments. The Commission should hear the presentation from MSA about the proposed ordinance amendments and then be ready to ask questions of staff and the consultants about the proposed text amendments.

## Recommendation

Staff recommends the Planning Commission open the public hearing, take public comment, close the hearing, and discuss the enclosed Zoning Ordinance Amendments. After all discussion has occurred, staff recommends the Commission **move to recommend the City Council adopt the following proposed Ordinances (with minor modifications as may be required by the City Attorney):**

1. **Ordinance No. XXX – An Ordinance Amending Title XV, Land Usage, Section 153.010 (Definitions).**
2. **Ordinance No. XXX – An Ordinance Amending Title XV, CHAPTER 153, Sections 153.074, 153.080, 153.084, 153.085, AND 153.130, Regarding Lighting Regulations.**

In addition, staff recommends the Planning Commission take no action on the proposed landscape ordinance revisions to allow for further study and revisions by City staff.

## Attachments:

1. MSA memo dated February 17, 2025 (Definitions Update)
2. Ordinance No. XXX – Definitions
3. MSA memo dated February 17, 2025 (Lighting Ordinance Updates)
4. Ordinance No. XXX – Lighting Regulations

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**To:** Forest Lake Planning Commission

**CC:** Abbi Wittman, Community Development Director  
Ken Roberts, City Planner

**From:** Claire Stickler, MSA Professional Services

**Subject:** Proposed Zoning Text Amendments for Definitions for 2.26.25 Public Hearing

**Date:** February 17, 2025 (For February 26<sup>th</sup>, 2025 Planning Commission Meeting).

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### **Proposed Amendments**

**Bold and underline** are proposed additions to the code and ~~strikeout~~ are proposed removal of language from the code. These proposed amendments pertain to the definitions. We are proposing removal, amendments to the existing and adding some new definitions.

The definitions that are **bold, underlined** and highlighted in **yellow** are additions and changes staff made in response to the Planning Commission discussion and suggestions on December 11, 2024. Staff made the proposed changes after researching Washington County regulations, State Statutes and other references to ensure the proposed changes are consistent with State law and current zoning and land use practices.

Staff and MSA are proposing the removal of certain definitions that are either irrelevant to the zoning code or outdated. Additionally, new definitions that were previously missing but are essential for administration of the Zoning Code have been introduced. The proposed amendments to existing definitions aim to enhance clarity and ensure alignment with state statute requirements.

For consistency, all references to other sections of the code have been removed. References to specific state statute requirements have been generalized, as law numbers frequently change.

#### **§ 153.010 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABUTTING.** Making direct contact with or immediately bordering.

~~**ACCESSORY APARTMENT.** A secondary dwelling unit within an existing owner-occupied single-family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.~~

**ACCESSORY BUILDING.** A subordinate building or subordinate structure serving the principal use on the same lot and incidental thereto. **ACCESSORY BUILDINGS** include, but are not limited to, garages, sheds, or other storage buildings or structures but shall not include accessory dwellings.

**ACCESSORY STORAGE CONTAINER.** A container placed outdoors and used for the storage of goods, materials or merchandise that are used in connection with a lawful principal or accessory use of the lot. The term ACCESSORY STORAGE CONTAINER includes but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars, piggyback containers, and portable moving and storage containers. The term ACCESSORY STORAGE CONTAINER does not include a garage, barn, or storage shed accessory to a dwelling, provided the structure is not of a type designed, equipped, or customarily used for over-the-road transport of goods, materials, or merchandise.

**ACCESSORY USE.** A use incidental or subordinate to the principal use of the same land.

**ACCESSORY USE, CONDITIONAL.** Uses that are clearly incidental to a principal permitted use or conditional use but which are located in a separate building may be allowed through the approval of a conditional use permit.

**AGRICULTURAL BUILDING.** A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

**AGRICULTURAL BUSINESS.** An agricultural business operated year round on a rural farm (as defined) offering for sale to the general public produce or any derivative thereof grown or raised on the property by the seller.

**AGRICULTURAL BUSINESS, SEASONAL.** A temporary seasonal business on a commercially zoned property or operated on a rural farm (as defined), offering for sale to the general public produce or any derivative (such as honey, maple syrup) thereof grown or raised locally.

**AGRICULTURAL USE.** Land whose use is devoted to the production of horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products, and raising domestic farm animals. This activity does not need to be the principal source of income **to be considered an agricultural use.**

**AIRPORT or HELIPORT.** Any land or structure which is used or intended for use for the landing and take-off of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights-of-way.

**ALLEY.** A public right-of-way that affords a secondary means of access to abutting property.

**ALTERATION.** To change or make different, to remodel or modify.

**AMATEUR RADIO ANTENNA.** Any equipment or device used exclusively for the purpose of sending and/or receiving electromagnetic signals for amateur radio service communications as defined in 47 C.F.R. 97.3(4), and as used in 47 C.F.R. 97.15(a). An AMATEUR RADIO ANTENNA includes any structure, such as a mast, pole, tower, or any combination thereof, used exclusively for supporting the AMATEUR RADIO ANTENNA.

**ANIMAL UNIT.** A unit of measure used to compare differences in the production of animal wastes that has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.



**ANIMALS, DOMESTIC FARM.** Cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food producing purposes.

**ANIMALS, DOMESTIC PETS.** Dogs, cats, birds, and similar animals commonly kept in a residence or structures accessory to a residence.

**ANIMALS, NONDOMESTIC PETS.** Animals considered wild or exotic, such as bears, lions, wolves, ocelots, and similar animals.

**ANTENNA.** Any exterior transmitting or receiving device mounted on a tower, monopole, building, or other structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals. ANTENNA does not include a lightning rod.

**APPLICANT.** The owners, their agent, or representative having interest in land where an application for city review of any permit, use, or development is required by this chapter.

**APPRAISED VALUATION.** The market value of a structure or lot as determined by the current records of the City **or County** Assessor.

**AREA, GROSS NET DEVELOPABLE.** Those lands within a development parcel remaining after the deletion of wetlands, all other water bodies, and public road rights-of-way.

**ATTORNEY.** The City Attorney.

**AUTO REDUCTION YARD.** A lot or yard where 3 or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale as scrap, storage, or abandonment.

**BALLOON PORT, COMMERCIAL.** An area of land designated for the take-off, storage, and maintenance of hot air balloons on a commercial basis.

**BED AND BREAKFAST INN.** An owner-occupied private home where accommodations are offered for 1 or more nights to transients.

**BOARD OF ADJUSTMENT AND APPEALS.** An official city board, prescribed in the Minnesota Planning Act, to hear and take action on appeals and variances to the regulations in this chapter or the administration thereof.

**BREWERY.** A location where malt liquor is produced.

**BUFFER.** A strip of land intended to create physical separation between potentially incompatible uses of land or environmentally sensitive areas.

**BUILDABLE LOT AREA, NET.** The space remaining on a lot after the setback requirements, area with a slope of 3:1 or 33% or more, 100 year floodplain, and drainage easements or wetland have been subtracted.

**BUILDING.** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal, or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of the building shall be deemed as a separate building.

**BUILDING CODE.** ~~The Minnesota State Building Code.~~ **The Official Building Code as adopted by the City.**

**BUILDING HEIGHT.** The vertical distance between the highest adjoining ground level within 5 feet of the building, or 10 feet above the lowest ground level within 5 feet of the building, whichever is lower, and the highest point of a flat or mansard roof, or the average height of the highest gable of a pitched or hipped roof. See §§ 153.064 et seq. for accessory building height requirements. See §§ 153.129 et seq. for fence height requirements.

**BUILDING OFFICIAL.** The designated authority charged with the administration and enforcement of the ~~State Building Code~~ **official Building Code as adopted by the City.**

**BUILDING PERMIT.** A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started.

**BUILDING SETBACK LINE, MINIMUM REQUIRED.** A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, delineated wetland or an ordinary high water mark or line, behind which buildings or structures must be placed.

**BUSINESS.** Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

**CARPORT.** A permanent automobile shelter having 1 or more sides open.

**CEMETERY.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums, and chapels when operated in conjunction with and within the boundaries of the cemetery.

**CERTIFICATE OF COMPLIANCE.** A certificate issued by the city documenting that a proposed development will meet all development standards if the project proceeds in accordance with the plans.

**CERTIFICATE OF OCCUPANCY.** A certificate issued by the Building Official authorizing the use or occupancy of a building or structure.

**CERTIFICATE OF SURVEY.** A legal document depicting property information that is signed by a registered land surveyor under Minnesota state laws.

**CITY.** A conglomeration of public officials, Council, commission, and committee as duly elected or appointed.

**CITY COUNCIL.** The governing body of the City of Forest Lake.

CLUB or LODGE. A non-profit association of persons who are members paying annual dues and where the use of the premises is restricted to members and their guests. **The facility may provide dining, kitchen, and event space for members and their guests.**

CLUSTER DEVELOPMENT, RURAL. A development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a Planned Unit Development.

COLUMBARIUM. A structure, room, or other space in a building or structure containing niches for inurnment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.

COMMON OPEN SPACE. Land held in common ownership used for natural habitat, pedestrian corridors, and/or recreational purposes that are protected from future development.

COMPREHENSIVE PLAN. The policies, statements, goals, and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned implementation, documented in texts, and maps which constitute the guide for the future development of the city.

CONDITIONAL USE PERMIT. A permit issued by the City Council in accordance with procedures specified in § ~~153.034~~ **the City Code**.

CONDOMINIUM. An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building.

CONSERVATION EASEMENT. An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property, including the retention, protection and maintenance of natural resources, open space, and agriculture.

CONSTRUCTION TRAILER. A mobile manufactured trailer that temporarily serves as an office for building construction ~~or property maintenance services.~~

CONTIGUOUS. Parcels of land that share a common lot line or boundary. Parcels which are separated by a right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of this chapter.

CONTRACTOR'S YARD. An outdoor storage area used to store or stockpile construction equipment, machinery, or supplies used by the property owner or tenant for off-site construction or similar professions. This does not include the lease, retail, or wholesale sales of construction or home improvement equipment, machinery, or supplies.

CONVEYANCE. As defined in Minnesota Statutes.

CREMATORIUM or CREMATORY. A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

**DAY CARE FACILITIES.** Include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, daytime activity centers, day treatment programs and day services, nursery and preschools, and Montessori schools, as defined by Minnesota Statutes.

**DAY CARE FACILITY, LICENSED.** Any facility required to be licensed by a governmental agency which, for gain or otherwise, regularly provides 1 or more persons with care, training, supervision, rehabilitation, or development guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home.

**DENSITY.** The number of dwelling units permitted per acre of net developable acres of land as regulated by the applicable zoning district.

**DENSITY UNITS.** The number of individual dwelling units that can be located on a parcel of land as established through the use of a yield plan. For the purpose of this chapter, a multi-family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.

**DESIGN MANUAL.** A prepared document for the purposes of articulating in written, graphic and pictorial form design requirements of the Zoning Code.

**DREDGING.** The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

**DRIVE-THRU.** Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

**DRIVEWAY ACCESS PERMIT.** A permit required from the responsible governmental agency that allows access onto a public road. The permit must be acquired prior to construction **of the driveway** and the issuance of a building permit.

**DWELLING.** A building or 1 or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, or bed and breakfasts. (Also see DWELLING UNIT.)

- (1) **ACCESSORY DWELLING.** A smaller, independent residential dwelling unit constructed on a permanent foundation and located on the same lot as a stand-alone (i.e., detached) single-family dwelling.
- (2) **ACCESSORY APARTMENT. A secondary dwelling unit within an existing owner-occupied single-family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.**
- (2) **DUPLEX OR TWO-FAMILY DWELLING.** A residential building containing 2 complete dwelling units with separate housekeeping and cooking facilities for each and with both units being under the same ownership.

(3) **MULTIPLE-FAMILY DWELLING.** A residential building containing 8 or more dwelling units with separate housekeeping and cooking facilities for each.

(a) **APARTMENT, MULTIPLE-FAMILY DWELLING.** A room or suite of rooms available for rent which is occupied as a residence by a single-family or group of individuals living together as a single-family unit.

(b) **CONDOMINIUM, MULTI-FAMILY DWELLING.** A form of property ownership that includes individual ownership of a residential dwelling unit within a multi-family building and joint responsibility for maintenance and repairs of the land or other common property.

(c) **COOPERATIVE, MULTIPLE-FAMILY DWELLING.** A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific dwellings unit outright, as in a condominium, but they own shares in the enterprise.

(4) **SEASONAL DWELLING.** A residential building not capable of year-round occupancy due to non-winterized construction or inadequate nonconforming year-round on-site sewage treatment systems.

(5) **SINGLE-FAMILY DWELLING, ATTACHED.** A dwelling that is joined to another dwelling by a common wall.

(6) **SINGLE-FAMILY DWELLING, DETACHED.** A dwelling that is entirely surrounded by open space on the same lot.

(7) **TEMPORARY DWELLING, CARE FACILITY.** A manufactured home which temporarily serves as a residence for an infirm relative of the occupants residing in the primary single-family residence on the property where the relative requires care by the family.

(8) **TEMPORARY DWELLING, DURING CONSTRUCTION.** A manufactured home which temporarily serves as a residence for the present or potential occupant while the primary single-family residence is being constructed or reconstructed or altered due to natural catastrophe or fire.

(9) **TOWNHOUSE DWELLING, ATTACHED.** A single structure consisting of 2 or more dwelling units having the first floor at or near the ground level with no other dwelling units or portions thereof above or below with each dwelling unit connected to each other unit by a single party wall with no openings.

(10) **TOWNHOUSE DWELLING, DETACHED.** A dwelling that is entirely surrounded by open space and owned by an individual or owned in common by a homeowner's association.

**DWELLING UNIT.** A residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used, or intended for use exclusively as living quarters for 1 (one) family.

**EASEMENT.** ~~A grant by an owner of land for a specific use by persons other than the owner.~~  
**The right of a person, entity, government agency, private or public utility company to use public or private land owned by another for a specific purpose.**

**ENGINEER.** The City Engineer.

ENVIRONMENTAL IMPACT WORKSHEET, ASSESSMENT or STATEMENT. A document that might be required under Minnesota Statutes ~~or this chapter~~ to determine the environmental effects resulting from a ground disturbing, development, or construction activity.

**EQUESTRIAN FACILITY. Building or buildings created and maintained for the purpose of accommodating, training or competing horses. An equestrian facility may include commercial operations and activities as defined in Equestrian Uses.**

EQUESTRIAN USES. Those uses **and activities** commonly associated with the boarding, raising, maintaining, and training of horses for riding, racing, or breeding.

ESSENTIAL SERVICES, GOVERNMENTAL USES, BUILDINGS AND STORAGE. An area of land or structures used for public purposes, storage, or maintenance and which is owned or leased by a governmental unit.

ESSENTIAL SERVICES, UTILITY SUBSTATION. A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large-size long-distance transmission lines to small retail quantities in a neighborhood distribution system. These uses include electric substations and telephone switching and relay facilities. Business offices associated with these uses are not included as part of this definition.

EXTERIOR STORAGE. The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

FACE LIFT. A renovation or restyling of the facade of a building, intended to give an attractive, more up-to-date appearance.

FAMILY. An individual, or 2 or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than 6 persons not related maintaining a common household exclusive of servants.

FARM. A tract of land which is principally used for agricultural activities such as the production of cash crops, **the raising and/or breeding of livestock**, or poultry farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operations of the farm.

FARMLAND. Land that is capable of supporting the commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products, or fruit or other horticultural products.

FEEDLOT. A lot or building or combination of lots and buildings intended for the confined breeding, raising, or holding of animals, and specifically designed as a confinement area in which manure may accumulate, or where a concentration of animals is such that a vegetative cover cannot be maintained within the enclosures. ~~of open~~ **Open** lots used for feeding and rearing of domestic farm animals **including poultry** shall be considered feedlots. Pastures are not considered feedlots.

FENCE. A partition, structure, wall, or gate erected as a dividing marker, visual or physical barrier, or enclosure.



**FILL.** Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, or transported and shall include the conditions resulting thereupon.

**FINAL PLAT.** A drawing or map of an approved subdivision that meets all requirements of the subdivision regulations.

**FITNESS AND HEALTH CENTER.** A business that provides recreational services and facilities, usually for the benefit of its membership or the general public, involving aerobic exercises, strength and cardiovascular equipment, indoor or outdoor game courts, swimming pools, running tracks, massage, tanning, hair and other personal services, saunas, steam rooms, showers, lockers and the like that may be used at any time that the operation is open for business.

~~**FLAG LOT.** A lot with access provided to the bulk of the lot by means of a narrow corridor.~~

**FLASHING LIGHT.** See lighting-related definitions.

**FLOODPLAIN.** The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

~~**FLOOR AREA.** The area inside the exterior walls of a building or area. Measurements shall be made from the inside of exterior walls.~~ **Is the sum of the gross horizontal areas of all floors of a building or portion thereof devoted to a particular use, however, the “floor area” shall not include floor area other than area devoted to retailing activities, the production or processing of goods, warehousing, and business or professional offices.**

**FLOOR PLAN, GENERAL.** A graphic representation of the anticipated use of the floor area within a building or structure.

**FLORIST, COMMERCIAL.** A building or premises used primarily for the retail sale of flowers and small plants which may not have been grown or raised on the property and does not include a greenhouse.

**FOOTPRINT.** The area of the land covered by a building’s foundation.

**FRONTAGE.** The boundary of a lot that abuts a public street or private road.

**FULL SERVICE HOTEL.** A building having provision for 10 or more guests in which lodging is provided for compensation, and which is open to transient or permanent guests or both, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge. This type of facility may also include meeting rooms, on-site restaurant and/or bars or other public amenities.

**FUNERAL HOME.** A building or part thereof used for funeral services. The buildings may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; the storage of caskets, urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall not include facilities for cremation.

**GARAGE, PRIVATE.** A detached accessory building or portion of the principal building, including a carport, which is used primarily for the storing of vehicles, trailers, or trucks.

**GARDEN SUPPLY STORE AND NURSERY YARD.** A building or premises used primarily for the wholesale and retail sale of trees, shrubs, flowers, other plants, and accessory products, excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products that are used in the culture, display, and decoration of lawns, gardens, and indoor plants.

**GOLF COURSE.** An area of land laid out for golf with a minimum series of 9 holes each, including a tee, fairway, and putting green and often 1 or more natural or artificial hazards.

**GOVERNING BODY.** The City Council.

**GROUND LEVEL VIEW.** The view of the building from the furthest point of the width of the right-of-way from the property line(s) that abut a street.

**HAZARDOUS BUILDINGS or HAZARDOUS PROPERTY.** Any building or property that, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

**HAZARDOUS MATERIAL.** A chemical or substance, or a mixture of chemicals or substances, which:

(1) Is regulated by the Federal Occupational Safety and Health Administration regulations; or

(2) Is either toxic or highly toxic materials, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

**HEALTH/RECREATION FACILITY.** An indoor facility that includes, **but is not limited to,** uses such as game courts, exercise equipment, locker rooms, jacuzzi and/or sauna, and pro shop.

**HISTORIC BUILDING AND STRUCTURE.** A structure which has been identified by the Washington County History Network inventory or, the State Historic Preservation Office **or the National Register of Historic Places** as having public value due to its notable architectural features relating to the cultural heritage of the city.

**HOME OCCUPATION.** See § 153.092(L). **the use of The use of a portion of a dwelling, or an attached accessory building on the same lot, for commercial activities; these activities must be clearly secondary to the primary use of the structure as a residential dwelling.**

**HOMEOWNER'S ASSOCIATION.** A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.



**HORSE SHOW.** An event where horses not boarded on the subject property are shown to the general public and guests. A horse show also may include judged events where horses and riders compete against each other in various disciplines. An equestrian competition also is considered a horse show.

**HORSE TRAINING FACILITY, COMMERCIAL.** A building in which horses not owned by the property owner are trained to perform specific behaviors. The horses also may be kept for commercial use, including boarding, breeding, hire, riding, sale, show, and training.

**HORSE TRAINING FACILITY, PRIVATE.** A building in which horses owned by the property owner are kept for private use and training.

**HOTEL.** A building having provision for 10 or more guests in which lodging is provided with or without meals, for compensation, and which is open to transient or permanent guests or both, and which ingress and egress to and from all rooms is made through an inside lobby or office and hallway supervised by a person in charge.

**IMPERVIOUS SURFACE.** The portion of the buildable parcel which has a covering which does not permit water to percolate into the natural soil. IMPERVIOUS SURFACE shall include, but not be limited to, buildings, all driveways and parking areas (whether paved or not), sidewalks, patios, tennis and basketball courts, covered decks, porches, pools and other structures.

**INDIVIDUAL PARCEL.** A parcel as a whole as charged on the tax lists or 2 or more contiguous parcels under common ownership on the effective date of this chapter.

**INOPERATIVE VEHICLE.** ~~A vehicle incapable of movement under its own power.~~ Any vehicle that cannot be driven or propelled under its own power in its existing condition, or because its wrecked, damaged, junked, or partially dismantled condition, or that cannot be driven because necessary licenses or authorizations have not been obtained and displayed on the vehicle.

**INSTITUTIONAL USE:** The use of land, buildings or structures for a public or non-profit purpose. Examples of institutional uses include schools, places of worship, government offices and buildings, community centers and post offices.

**JUNK YARD.** An area where used, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, gartered, cleaned, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles, and lumber. Storage of the material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

**KENNEL, COMMERCIAL.** A business which conducts the selling, boarding, breeding, showing, treating or grooming of domestic animals over 6 months of age.

**KENNEL, PRIVATE.** An accessory structure kept on premises and owned by a member of the household, which are zoned and occupied for residential purposes and where the keeping of such domestic animals is incidental to the occupancy of the premises for residential purposes.

**LAND ALTERATION.** The reclaiming of land by depositing, removing, or moving material so as to alter the grade or topography.

**LAND CLEARING.** The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any 12 month period. For specific regulations with regard to this definition, please refer to §§ 153.196 et seq. as it relates to woodland preservation.

#### **LIGHTING-RELATED.**

(1) **CUTOFF.** The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated at a specific angle above the ground.

(2) **CUTOFF ANGLE.** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

(3) **CUTOFF TYPE LUMINAIRE.** A luminaire with elements such as shields, reflectors, or refractor panels that direct and cut off the light at a cutoff angle that is less than 90 degrees.

(4) **FIXTURE OUTDOOR.** Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached, including, but not limited to, the hardware casing. The devices shall include, but are not limited to, search, spot, and flood lights for:

- (a) Buildings and structures;
- (b) Recreational areas;
- (c) Parking lot lighting;
- (d) Landscape lighting;
- (e) Billboards and other signs;
- (f) Street lighting;
- (g) Product display area lighting; and
- (h) Building overhangs and open canopies.

(5) **FLASHING LIGHT.** A light source that is not constant in intensity or color at all times while in use.

(6) **FOOTCANDLE.** A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1 candle.

(7) **LUMINAIRE.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(8) **OUTDOOR.** Any light source or collection of light sources located outside of a building, including, but not limited to, light sources attached to any part of a structure, located on the surface of the ground, or located on freestanding poles.

(9) **SECURITY LIGHTING.** Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

(10) **SHIELDING.** A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing the light fixture.

(11) **SOURCE.** A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

(12) **SPILLAGE.** Any reflection, glare, or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

**LIVE ENTERTAINMENT.** A public event or private use with the intent of entertaining spectators.

**LIVESTOCK OPERATIONS.** A lot or structure or combination of lots and structures intended for the breeding, **management, production**, raising, or holding of 11 or more animal units.

**LOADING SPACE.** An unobstructed area and space accessible from a street, alley, or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.

**LOT.** A parcel of land designated by metes and bounds, registered land survey, plat, or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate the parcel from other lands for tax purposes. (See YARD.)

(1) **AREA OF LOT.** The area of a horizontal plane within the lot lines.

(2) **AREA - MINIMUM PER DWELLING UNIT.** The minimum number of square feet or **gross net** developable area per dwelling unit.

(3) **BUILDABLE LOT.** A lot that meets or exceeds all requirements of this chapter without the necessity of a variance.

(4) **CORNER LOT.** A lot situated at the junction of and abutting 2 or more intersecting streets or public rights-of-way; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.

(6) **DEPTH OF LOT.** The maximum horizontal distance between the rear lot line and the frontage right-of-way. On a corner lot, the side with the largest frontage is its depth and the side with the lesser frontage is its width.

(7) **INTERIOR LOT.** A lot other than a corner lot including through lots.

(8) LOT LINE. A lot line is the property line bounding a lot except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of the public right-of-way shall be the lot line for applying this chapter.

(9) **LINE** LOT **LINE** RELATED.

(a) FRONT LOT LINE. That boundary of a lot that abuts an existing or dedicated public street or a private road. In the case of a corner lot, it shall be the shortest dimension of the lot abutting the street or road. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the city. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

(b) REAR LOT LINE. That boundary of a lot that is opposite to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

(c) SIDE LOT LINE. Any boundary of a lot that is not a front lot line or a rear lot line.

(11) THROUGH LOT. Any lot other than a corner lot that abuts more than 1 street or street right-of-way. On a through lot, all property lines abutting the street right-of-way shall be considered the front lines.

(12) WIDTH OF LOT. The maximum horizontal distance between the side lot lines of a lot measured at the minimum required front setback line.

MANUFACTURED HOME. A structure transportable in 1 or more sections which, in the transporting mode, is 8 body feet or more in width, or 40 body feet or more in length, or when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that 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 the United States Department of Housing and Urban Development and complies with the standards established under Minnesota Statutes. No manufactured dwelling shall be moved into the city that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes.

**MANUFACTURED HOME PARK. Real property under single ownership that is used as the location for two or more manufactured homes that are, or are intended to be, occupied as dwellings, upon lots that are not conveyable.**

MANUFACTURING. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of the products.

**MANUFACTURING, LIGHT. The manufacture of products where the process does not create and emit fumes, smokes, vapors, vibrations, noise, glare, or other factors that are**

**regarded as nuisances ~~that could~~ which would cause adverse effects to the users of adjacent land.**

MANURE. Any solid or liquid containing animal excreta.

MARINA. Either an inland, shoreline, or off-shore area for the concentrated mooring of 5 or more watercraft wherein facilities are provided for any or all of the following ancillary services: boat storage, fueling, launching, mechanical repairs, sanitary pump out, and restaurant services.

MAUSOLEUM. A structure for the entombment of the dead in crypts or vaults in a cemetery.

MEDICAL USES. Those uses concerned with the diagnosis, treatment, and care of human beings **including but not limited to hospitals, dental services, medical services or clinics.**

**METROPOLITAN URBAN SERVICE AREA (MUSA): The area where public utilities including sanitary sewer and water are ~~or will be~~ available and is identified in the City's Comprehensive Plan.**

MICRO DISTILLERY. A distillery located within the city producing premium distilled spirits in total quantity not to exceed 40,000 proof gallons per calendar year.

MICRO WIRELESS FACILITY. A small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

MINING. The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of this chapter, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

- (1) Excavation for the foundation, cellar, or basement of some pending construction for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage;
- (2) On-site construction of approved roads, sewer lines, storm sewers, water mains, or surface water drainage approved by the local unit of government for agriculture or conservation purposes, sod removal, or other public utilities;
- (3) Landscaping purposes on a lot used or to be used as a building site;
- (4) Grading/excavation of less than 1 acre of land in conjunction with improvement of a site for lot development providing that activities will be completed in 1 year;
- (5) The removal of excess materials in accordance with approved plats or highway construction.
- (6) Topsoil removal pursuant to an interim use permit.

MOORING. Any containment of ~~free~~-floating watercraft that provides a fixed fastening for the craft.

MOTEL. An establishment containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside, and providing **motor vehicle** automobile parking located adjacent to or near sleeping rooms.

MOTOR VEHICLE CONVENIENCE STORE. Premises for self-service motor fuel sales that may include the sale of convenience groceries, fast foods and/or a restaurant, and may offer a car wash.

**MOTOR VEHICLE FUEL STATION: A retail place of business engaged primarily in the sale of motor fuels but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, vehicle accessories, and replacement items, washing and lubrication services; and the performance of minor motor vehicle maintenance and repair.**

MOTOR VEHICLE, NEW AUTO DEALERSHIP, LICENSED. Premises for the sale, rental, leasing, and service of motor vehicles, including a building containing such things as a showroom, offices, service area and parts room, and exterior sales lots for displaying new and used vehicles.

MOTOR VEHICLE PART SALES. Retail and wholesale sale of new auto parts, equipment, and supplies to the general public and the automotive industry.

MOTOR VEHICLE REPAIR, MAJOR. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame, or fender straightening or repair; overall painting and upholstery; and/or vehicle steam cleaning.

MOTOR VEHICLE REPAIR, MINOR. Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under MOTOR VEHICLE REPAIR, MAJOR.

~~MOTOR VEHICLE SERVICE STATION. A place for the dispensing, sale, or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of motor vehicles.~~

MOTOR VEHICLE, USED AUTO DEALERSHIP, LICENSED. Premises having an open sales lot for displaying used vehicles and which may include a small structure for conducting sales and a service bay for detailing and minor preparation of vehicles for sale.

MOTOR VEHICLE WASH. Premises having a structure for washing and drying vehicles and adequate outdoor space for staging vehicles into and out of the wash.

MOVING PERMIT. A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.

**NATURAL DRAINAGE WAY.** A depression in the earth's surface, such as ravines, draws, and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.

**NATURAL RESOURCES.** The physical values of the land supplied by nature, including, but not limited to, animal life, plant life, soil, rock, minerals, and water.

**NEIGHBORHOOD.** An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference where people live in close proximity to one another.

**NOISE, AMBIENT.** The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominate source.

**NONCONFORMING LOT.** A separate parcel or lot of record on the effective date of this chapter, or any amendments thereto, which lot or parcel does not conform to the regulations, including area or dimensional standards contained in this chapter or amendments thereto.

**NONCONFORMING STRUCTURE.** Any structure lawfully or legally existing on the effective date of this chapter, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of this chapter or amendments thereto.

**NONCONFORMING USE.** Any use lawfully or legally existing on the effective date of this chapter, or any amendment thereto, that does not conform to the regulations of the district in which it is located.

**NOXIOUS MATTER OR MATERIAL.** Material that is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical, economic, or mental health of human beings.

**NURSING HOME.** A building with facilities for the health evaluation and treatment **of five or more persons** ~~patients and residents~~ who are not in need of an acute care facility but who require nursing supervision on an inpatient basis. A nursing home does not include a facility or that part of a facility that is a hospital, **clinic, doctors office, diagnostic or treatment center or a residential program licensed pursuant to MN State Statute.**

**OFFICE.** A room, suite of rooms, or a building containing rooms or suites of rooms in which commercial activities, professional services, or occupations are conducted that do not require that goods are stored, produced, sold at retail, or repaired, including, but not limited to, financial institutions, professional offices, governmental offices, insurance offices, real estate offices, utility offices, radio broadcasting, and similar uses.

**OFFICIAL CONTROL.** Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the city, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. The official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary



codes, building codes, housing codes, and official maps that have been adopted by the city as the Forest Lake Zoning Ordinance.

OFFICIAL MAP. A **zoning** map adopted in accordance with the provisions of Minnesota Statutes.

OPEN SALES LOT. Lands devoted to the display of goods for sale, rent, lease, or trade where the goods are not enclosed within a building.

OPEN SPACE. Land used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes that is undivided and permanently protected from future development.

OPEN SPACE DESIGN DEVELOPMENT. A pattern of subdivision development that places residential dwelling units into compact groupings while providing a network of dedicated open space.

OUTDOOR SIDEWALK CAFE. A seasonal expansion of a permitted restaurant, delicatessen, or lunch shop outside on an attached or unattached patio structure, or a freestanding public or private outdoor cafe in conjunction with a promotional event.

OVERLAY DISTRICT. A zoning district shown as an overlay on the Zoning Map. Development within an overlay district is subject to the regulations of both the underlying zoning district and the overlay district.

OWNER. Includes all persons interested in a property as fee simple owner, life estate holder, or encumbrancer.

PARKING SPACE. A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store 1 standard sized automobile.

PASTURE. Areas, **including winter feeding areas as part of a grazing area,** where grass or other growing plants are used for grazing, and where the concentration of animals is such that a vegetation cover is maintained during the growing season **except in the immediate vicinity of temporary supplemental feeding or water devices.**

PEDESTRIAN WAY. A public or private right-of-way across or within a block or tract to be used by pedestrians.

PERFORMANCE STANDARDS. The minimum development standards adopted by the city that apply to all lots or uses, in addition to the other specific regulations which apply to the individual lot or use.

PLACE OF WORSHIP. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled through ownership by a religious body organized to sustain worship. **The service of food and, meals on such premises may be provided if secondary and incidental to the promotion of some other**



**common objective of the organization and adequate dining room space and kitchen facilities for the purpose of serving food and meals are available.**

PLANNED UNIT DEVELOPMENT. All developments having 2 or more principal uses on a single parcel of land; may include townhomes, multi-use structures, recreational uses, mixed residential and commercial type developments, commercial type developments, and industrial type developments.

PLANNING COMMISSION. The duly appointed planning commission of the city.

PLANT NURSERY, COMMERCIAL. A building or premises used primarily for the retail sale of trees, shrubs, flowers, or other plants which may not have been grown or raised on the property.

PLANT NURSERY, WHOLESALE. A building or premises used primarily for the growing and wholesale sale of trees, shrubs, flowers, and other plants.

PRIME FARMLAND. Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. **This land has the soil quality, growing season and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming practices.**

PRINCIPAL STRUCTURE OR USE. The primary or predominant use for which a lot and structure, if any located thereon, is conducted or maintained, as contrasted to an accessory use or structure.

PROTECTIVE OR RESTRICTIVE COVENANT. A contract entered into between private parties that constitute a restriction of the use of a particular parcel of property.

PUBLIC COMPOSTING FACILITY. Any site operated, controlled or contracted by **a public entity** ~~the city~~ for the purpose of providing for the collecting and composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste and providing for the disposition of same.

PUBLIC LAND. Land owned and/or operated by a governmental unit, including school districts **and watershed districts**.

PUBLIC WATERS. All lakes, ponds, swamps, streams, drainageways, flood plains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within the **City** ~~community~~ as defined by the Department of Natural Resources.

RECREATION, COMMERCIAL. Land intended to accommodate uses that provide active and passive recreational opportunities on a use and/or membership fee basis. Land designated for commercial recreation use differs from land guided for park and recreation use in that it is privately owned land, rather than being publicly owned.

RECREATION EQUIPMENT. Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 30 feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures, but not including tree houses, swimming

pools, playhouses exceeding 25 square feet in floor area, ~~or sheds utilized for storage of equipment.~~ **(Also see Section 153.260 – Vehicles)**

RECREATION, PUBLIC. Land intended to accommodate uses that provide active and passive recreational opportunities, whether or not on a use and/or membership fee basis. Land designated for public recreation use differs from land guided for commercial recreation use in that it is publicly owned land, rather than being privately owned. Typical uses include tot lots, neighborhood parks, community parks, ball fields, public golf courses, public gardens, greenways and trail corridors, beaches, and community centers.

RECREATION VEHICLE (RV). Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications: is not used as the permanent residence of the owner or occupant; is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; or is towed or self-propelled on public streets or highways incidental to the recreation or vacation activities. Examples of the vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained and self-propelled truck chassis mounted vehicles providing living accommodations.

RECYCLABLE MATERIALS. Materials that are separated from mixed municipal solid waste for the purpose of recycling or composting. For the purpose of this chapter, these materials are limited to paper, glass, plastics, cardboard, motor vehicle oil, batteries, and metals. Refuse derived fuel (RDF) or other material that is destroyed by incineration is not a recyclable material under the provisions of this chapter.

RECYCLING. The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

~~—RECYCLING CENTER. A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products.~~

**RECYCLING FACILITY. A facility where materials are collected and prepared for reuse in in their original form or for the use of manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.**

REFUSE. Perishable and non-perishable solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

RESEARCH. Medical, chemical, electrical, metallurgical, or other scientific research and quality control conducted in accordance with the provisions of this chapter.

RESIDENTIAL FACILITY, LICENSED. Any facility required to be licensed by a governmental agency, public or private, which for gain or otherwise regularly provides 1 or more persons with 24 hours per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home.

**RESORT FACILITY.** Any structure containing 1 or more dwelling units or separate living quarters or group of structures containing more than 2 dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of the structure or structures being recreational in nature. Uses may include a grocery for guests only, fish cleaning house, marine service, campground, boat landing and rental, recreational area and equipment, and similar uses normally associated with a resort operation.

**RESTAURANT FAST FOOD.** Any restaurant that meets some or all of the following requirements:

- (1) Customarily provides quick service to its customers;
- (2) Offers to its customers a limited, standardized choice of **inexpensive** food and/or beverages;
- (3) Serves its customers from a counter and customarily does not serve its customers at tables by a wait person;
- (4) Packages and serves its food and beverages in disposable wrappers, containers, cartons, boxes and/or bags;
- (5) Expects customers to dispose of their used food serving and packaging containers in trash, litter, or garbage cans;
- (6) Prepares a considerable amount of its food in volume in advance of ordering by customers;
- (7) Offers food to customers by way of signs, placards, posters, valances, or boards rather than on menus given to customers.

**RESTAURANT, FULL SERVICE.** A business establishment whose principal business is the preparing, selling, and serving of unpackaged food to customers seated at counters or tables in a ready-to-consume state.

**RETAIL/OFFICE/MULTI-TENANT STRUCTURE.** Any grouping of 2 or more principal retail uses, whether on a single lot or on abutting lots under multiple or single ownership. **This definition includes shopping centers.**

**RETAIL SALES AND SERVICES.** Stores and shops selling goods over the counter for use away from the point of purchase or offers services available on the premises. Large items, such as motor vehicles and boats, or exterior sales lots and repair garages, are not included in this category of uses.

**RIGHT-OF-WAY, PUBLIC.** An area for public use owned and maintained by a government jurisdiction.

**RUNWAY.** A surface of an airport landing strip.

**RUNWAY INSTRUMENT.** A runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

SCENIC RESOURCES. That part of the landscape that provides a picturesque view and may contain outstanding recreational, natural, historic, scientific, and manmade values.

SCHOOL. A facility that provides a curriculum of preschool, elementary, secondary, post-secondary, or other instruction, including, but not limited to, licensed daycare facilities, kindergartens, elementary, junior high, high schools, and technical or college instruction.

SCHOOL, HOME. A school within a residential dwelling educating children residing in the residential dwelling.

SCHOOL, SPECIALTY. A facility that provides specialized instruction for dance, music, art, karate, or similar educational activities.

SCREENING. Includes earth mounds, berms, or ground forms, fences and walls, or landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object throughout the year.

SELF-SERVICE STORAGE. **A facility where rooms or lockers are rented to tenants, usually on a monthly basis, in which tenants can store and access their goods. The rented spaces are usually secured by the tenant's own lock and key. Unlike in a warehouse, self-storage facility employees do not have casual access to the contents of the space.**

**SENIOR HOUSING. As defined by Minnesota statutes providing sleeping accommodations to one or more adult residents, at least eighty percent (80%) of which are fifty five (55) years of age or older, and offering or providing, for a fee, one or more regularly scheduled health related services or two (2) or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment**

SEPTIC PERMIT. A permit required from the county for the installation of any new or replacement of on-site sewage disposal system.

SETBACK. The minimum horizontal distance between a structure and street right-of-way, lot line, or other reference point as provided by this chapter. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

**SIGN. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services. This includes symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walks, awnings, freestanding structures, suspended by balloons or kites, or on persons, animals, or vehicles.**

SMALL WIRELESS FACILITIES. A wireless facility that:

(1) Meets both of the following qualifications:

(a) Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than 6 cubic feet; and

(b) All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

(2) A micro wireless facility.

**STORY.** See adopted Building Code for definition.

**STREET.** A public vehicular right-of-way which affords a primary means of access to abutting property, except in the case of streets with a high volume of vehicular traffic where access may be restricted and an alternative access may be required.

(1) **ARTERIAL STREET.** A street, as designated in the Comprehensive Plan, which serves or is designed to serve heavy flows of traffic, and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

(2) **COLLECTOR STREET.** A street that serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road and designated as a collector street on the City Comprehensive Plan.

(3) **LOCAL STREET.** A street intended to serve primarily as an access to abutting properties.

(4) **PRIVATE STREET.** A private street that has been approved by the city. The street must support emergency vehicles, and specify that provisions must exist for the ongoing maintenance of the street.

(4) **STREET, PUBLIC.** A street owned and maintained by a government jurisdiction.

**STRUCTURAL ALTERATION.** Any change, other than incidental repairs, which would affect or prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

**STRUCTURE.** Something built or constructed, the use of which requires a location on the ground or attached to something having a location on the ground, including buildings, advertising signs, billboards, or fences over 5 feet in height, swimming pools, and towers.

**STRUCTURE, NONCONFORMING.** See **NONCONFORMING STRUCTURE**.

**SUBDIVISION.** The process of dividing land into 2 or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale, or other means by which a beneficial interest in land is transferred.

**SUBDIVISION, MAJOR.** All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of 4 or more lots, or any size subdivision requiring any new street or extension of an existing street and not in conflict with any provisions or portion of the Comprehensive Plan, Official Zoning Map, Zoning Regulations, or these regulations.

**SUBDIVISION, MINOR.** Any subdivision containing 3 or less lots fronting on an existing street and not involving any new street or road or the extension of municipal facilities or the creation of any public improvements and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provisions or portion of the Comprehensive Plan, Official Zoning Map, Zoning Regulations, or these regulations.

**TAPROOM.** Location where on-sale malt liquor produced by a brewer is available for consumption on the premises of or adjacent to one brewer location owned by the brewer.

**TAVERN or BAR.** A building with facilities for the serving of beer, liquor, wine, set-ups, and short order foods.

**TEMPORARY/SEASONAL SALES.** A facility or area for temporary or seasonal sales of goods, wares, or merchandise **indoors or outdoors.**

**TOPSOIL REMOVAL.** The excavation and subsequent off-site removal of more than 50 cubic yards of surface soil, usually including the organic layer in which plants have most of their roots. TOPSOIL REMOVAL does not include the removal of sand, aggregate, gravel, or mineral deposits.

**TOWER.** A ground or roof mounted pole; spire; free standing, self-supporting lattice or monopole structure; or combination thereof taller than 35 feet, including but not limited to supporting lines, cables, wires, braces, and masts, intended primarily for the purposes of mounting an antenna, meteorological device, or similar apparatus above grade. This definition does not include wireless support structures for small wireless facilities governed by **Minnesota state law** and located in the public right-of-way.

**TOWER ACCESSORY STRUCTURE.** A structure located at the base of the tower.

**APPARATUS.** Any equipment mounted on or attached to a new or existing tower, including platforms, antennas, rotors, emergency sirens, lights, and the like.

**TRANSPORTATION/MOTOR FREIGHT TERMINAL.** A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks, are parked or stored.

**TRANSPORTATION TERMINAL.** Taxi, bus, train, and mass transit terminal and related ticketing, passenger waiting, parking, and storage areas.

**TRASH ENCLOSURE SERVICE STRUCTURE.** A covered or uncovered structure screening and containing trash receptacles and maintenance equipment used on-site.

**TRAVEL TRAILER/RV CAMPGROUND/MARINA.** An area or premises operated as a commercial enterprise on a seasonal basis and generally providing space for seasonal accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers, and tents.

**TRUCK STOP.** A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities.



**USE. The purpose or activity for which land or a building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall include the performance standards of this Title.**

(1) ACCESSORY USE. A use subordinate to and serving the principal use or structure on the same lot and incidental to the principal use.

(2) CONDITIONAL USE. Either a public or private use as listed which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After consideration, in each case, of the impact of the use upon neighboring land, and of the public need for the particular use at the particular location, the "conditional use" may or may not be granted by the Council.

(3) INTERIM USE. A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

(4) NONCONFORMING USE. See NONCONFORMING USE.

(5) OPEN SPACE USE. The use of land without a structure or including a structure incidental to the open space.

(6) PERMITTED USE. A use that is or may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards of the district.

(7) 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.

VARIANCE. A modification or variation of the provisions of this chapter as applied to a specific lot or property, except that modification in the allowable uses in the district in which the property is located shall not be allowed as a variance.

VEGETATION, NATURAL. Plant life that is native to the location and which would normally grow if the ground were left undisturbed.

VETERINARY, **LARGE ANIMAL.** Those uses concerned with the diagnosis, treatment, and medical care of animals **like cows, horses sheep, goats and pigs** including animal or pet hospitals.

**VETERINARY, SMALL ANIMAL.** Those uses concerned with the diagnosis, treatment, and medical care of animals like cats, dogs, birds, hamsters including animal or pet hospitals.

WAREHOUSING. The storage, packing, and crating of materials or equipment within an enclosed building or structure.

WAREHOUSING AND DISTRIBUTION. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**WATER BODY: Any lake, stream, pond, wetland or river.**

**WATER DEPENDENT USES: Uses that in order to exist or function, require a location or use of the riverfront, including, but not limited to, barge loading and barge fleeting areas, marinas, industries that receive or ship goods or materials by water as an essential part of their operation, boat and barge construction, dismantling and repair, riverfront recreation, intakes and outfalls, and water monitoring and measuring facilities.**

#### WETLAND.

(1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this chapter, WETLANDS must:

- (a) Have a predominance of hydric soils;
  - (b) Be inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
  - (c) Under normal circumstances, support a prevalence of hydrophytic vegetation.
- (2) WETLANDS generally include swamps, marshes, bogs, and similar areas.

WHOLESALE. The selling of goods, equipment, and materials by bulk to another person who in turn sells the same to customers.

WIND ENERGY CONVERSION SYSTEM. One tower with rotors and motors with 1 conversion generator.

WIRELESS SUPPORT STRUCTURE. A new or existing structure located in a public right-of-way designed to support, or capable of supporting, small wireless facilities, as determined by the city.

YARD. The open space on a lot that is not covered by any structure from its lowest ground level to the sky except as expressly permitted in this chapter. A YARD shall extend along a lot line and at right angles to the lot line to a depth or width specified in the zoning regulations for the district in which the lot is located. (See LOT.)

(1) FRONT YARD. A yard extending along the **full** ~~total~~ width of the front of the lot between the side lot lines and extending from the abutting front street right-of-way line to a depth required in the zoning regulations for the district in which the lot is located lying between the front line of the lot and the nearest allowable building line.

(2) REAR YARD. A yard extending along the full width of the rear of the lot between the side lot lines and extending toward the front lot lines for a depth as specified in the zoning regulations for the district in which the lot is located and lying between the rear line of the lot and the nearest allowable building line.

(3) REQUIRED YARD. A yard area which may not be built on or covered by structures because of the dimensional setbacks for the structures within the zoning district.



(4) **SIDE YARD.** A yard between the side line of the lot and the nearest allowable building line. A yard extending along a side lot line between the front and rear yards having a width as specified in the zoning regulations for the district in which the lot is located.

**YARD WASTE FACILITY.** Any site used for the **storage and/or** composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings generated off-site. Yard wastes generated on-site and used on the same site are not included in this definition.

**YIELD PLAN.** A subdivision plan, drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with this chapter and **the Forest Lake** Comprehensive Plan.

**ZONING DISTRICT.** An area or areas within the limits of the city in which the regulations and requirements of this chapter are applied uniformly.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 602, passed 11-8-2010; Am. Ord. 607, passed 5-9-2011; Am. Ord. 646, passed 9-14-2015; Am. Ord. 651, passed 3-14-2016; Am. Ord. 663, passed --; Am. Ord. 676, passed 7-9-2018; Am. Ord. 702, passed 2-22-2021; Am. Ord. 719, passed --; Am. Ord. 726, passed 8-28-2023)

**CITY OF FOREST LAKE  
WASHINGTON COUNTY, MINNESOTA  
ORDINANCE NO. XXX**

**AN ORDINANCE AMENDING TITLE XV, CHAPTER 153, SECTION 153.010,  
REGARDING AMENDMENTS TO THE DEFINITIONS**

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THE CITY COUNCIL OF THE CITY OF FOREST LAKE ORDAINS AS FOLLOWS:

**Section 1. Amendment.** Title XV, Chapter 153, Section 153.010 of the Forest Lake City Code is hereby amended as follows.

**Bold and underline** are proposed additions to the code and ~~strikeout~~ are proposed removal of language from the code.

§ 153.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTTING. Making direct contact with or immediately bordering.

~~ACCESSORY APARTMENT. A secondary dwelling unit within an existing owner-occupied single family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.~~

ACCESSORY BUILDING. A subordinate building or subordinate structure serving the principal use on the same lot and incidental thereto. ACCESSORY BUILDINGS include, but are not limited to, garages, sheds, or other storage buildings or structures but shall not include accessory dwellings.

ACCESSORY STORAGE CONTAINER. A container placed outdoors and used for the storage of goods, materials or merchandise that are used in connection with a lawful principal or accessory use of the lot. The term ACCESSORY STORAGE CONTAINER includes but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars, piggyback containers, and portable moving and storage containers. The term ACCESSORY STORAGE CONTAINER does not include a garage, barn, or storage shed accessory to a dwelling, provided the structure is not of a type designed, equipped, or customarily used for over-the-road transport of goods, materials, or merchandise.

ACCESSORY USE. A use incidental or subordinate to the principal use of the same land.

ACCESSORY USE, CONDITIONAL. Uses that are clearly incidental to a principal permitted use or conditional use but which are located in a separate building may be allowed through the approval of a conditional use permit.

AGRICULTURAL BUILDING. A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

AGRICULTURAL BUSINESS. An agricultural business operated year round on a rural farm (as defined) offering for sale to the general public produce or any derivative thereof grown or raised on the property by the seller.

AGRICULTURAL BUSINESS, SEASONAL. A temporary seasonal business on a commercially zoned property or operated on a rural farm (as defined), offering for sale to the general public produce or any derivative (such as honey, maple syrup) thereof grown or raised locally.

AGRICULTURAL USE. Land whose use is devoted to the production of horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products, and raising domestic farm animals. This activity does not need to be the principal source of income **to be considered an agricultural use.**

AIRPORT or HELIPORT. Any land or structure which is used or intended for use for the landing and take-off of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights-of-way.

ALLEY. A public right-of-way that affords a secondary means of access to abutting property.

ALTERATION. To change or make different, to remodel or modify.

AMATEUR RADIO ANTENNA. Any equipment or device used exclusively for the purpose of sending and/or receiving electromagnetic signals for amateur radio service communications as defined in 47 C.F.R. 97.3(4), and as used in 47 C.F.R. 97.15(a). An AMATEUR RADIO ANTENNA includes any structure, such as a mast, pole, tower, or any combination thereof, used exclusively for supporting the AMATEUR RADIO ANTENNA.

ANIMAL UNIT. A unit of measure used to compare differences in the production of animal wastes that has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.

ANIMALS, DOMESTIC FARM. Cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food producing purposes.

ANIMALS, DOMESTIC PETS. Dogs, cats, birds, and similar animals commonly kept in a residence or structures accessory to a residence.

ANIMALS, NONDOMESTIC PETS. Animals considered wild or exotic, such as bears, lions, wolves, ocelots, and similar animals.

ANTENNA. Any exterior transmitting or receiving device mounted on a tower, monopole, building, or other structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals. ANTENNA does not include a lightning rod.

APPLICANT. The owners, their agent, or representative having interest in land where an application for city review of any permit, use, or development is required by this chapter.

APPRAISED VALUATION. The market value of a structure or lot as determined by the current records of the City **or County** Assessor.

AREA, ~~GROSS~~ **NET DEVELOPABLE**. Those lands within a development parcel remaining after the deletion of wetlands, all other water bodies, and public road rights-of-way.

~~—ATTIC. Space of a building located directly under a roof that is not directly free and open to the public and is unfinished or finished only to a limited degree to provide for inactive storage and/or mechanical equipment.~~

ATTORNEY. The City Attorney.

AUTO REDUCTION YARD. A lot or yard where 3 or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale as scrap, storage, or abandonment.

~~—AUTO SALES, LEASING, RENTAL REPAIR, SERVICE, WASH. See MOTOR VEHICLE.~~

BALLOON PORT, COMMERCIAL. An area of land designated for the take-off, storage, and maintenance of hot air balloons on a commercial basis.

~~BASEMENT. Any floor level below the first story, as further defined by the adopted Building Code.~~

BED AND BREAKFAST INN. An owner-occupied private home where accommodations are offered for 1 or more nights to transients.

BOARD OF ADJUSTMENT AND APPEALS. An official city board, prescribed in the Minnesota Planning Act, to hear and take action on appeals and variances to the regulations in this chapter or the administration thereof.

BREWERY. A location where malt liquor is produced.

BUFFER. A strip of land intended to create physical separation between potentially incompatible uses of land or environmentally sensitive areas.

BUILDABLE LOT AREA, NET. The space remaining on a lot after the setback requirements, area with a slope of 3:1 or 33% or more, 100 year floodplain, and drainage easements or wetland have been subtracted.

BUILDING. Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal, or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of the building shall be deemed as a separate building.

BUILDING CODE. ~~The Minnesota State Building Code.~~ **The Official Building Code as adopted by the City.**

BUILDING HEIGHT. The vertical distance between the highest adjoining ground level within 5 feet of the building, or 10 feet above the lowest ground level within 5 feet of the building, whichever is lower, and the highest point of a flat or mansard roof, or the average height of the highest gable of a pitched or hipped roof. See §§ 153.064 et seq. for accessory building height requirements. See §§ 153.129 et seq. for fence height requirements.

BUILDING OFFICIAL. The designated authority charged with the administration and enforcement of the ~~State Building Code~~ **official Building Code as adopted by the City.**

BUILDING PERMIT. A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started.

~~BUILDING SETBACK. See SETBACK.~~

BUILDING SETBACK LINE, MINIMUM REQUIRED. A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, delineated wetland or an ordinary high water mark or line, behind which buildings or structures must be placed.

BUSINESS. Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

~~CAR WASH. See MOTOR VEHICLE WASH.~~

CARPORT. A permanent automobile shelter having 1 or more sides open.

CEMETERY. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums, and chapels when operated in conjunction with and within the boundaries of the cemetery.

CERTIFICATE OF COMPLIANCE. A certificate issued by the city documenting that a proposed development will meet all development standards if the project proceeds in accordance with the plans.

CERTIFICATE OF OCCUPANCY. A certificate issued by the Building Official authorizing the use or occupancy of a building or structure.

CERTIFICATE OF SURVEY. A legal document depicting property information that is signed by a registered land surveyor under Minnesota state laws.

CITY. A conglomeration of public officials, Council, commission, and committee as duly elected or appointed.

CITY COUNCIL. The governing body of the City of Forest Lake.

CLUB or LODGE. A non-profit association of persons who are members paying annual dues and where the use of the premises is restricted to members and their guests. **The facility may provide dining, kitchen, and event space for members and their guests.**

CLUSTER DEVELOPMENT, RURAL. A development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a Planned Unit Development.

COLUMBARIUM. A structure, room, or other space in a building or structure containing niches for inurnment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.

~~COMMERCIAL FOOD PRODUCING FARM OPERATIONS. See FARM LAND.~~

COMMON OPEN SPACE. Land held in common ownership used for natural habitat, pedestrian corridors, and/or recreational purposes that are protected from future development.

COMPREHENSIVE PLAN. The policies, statements, goals, and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned implementation, documented in texts, and maps which constitute the guide for the future development of the city.

~~CONDITIONAL USE. See USE, CONDITIONAL.~~

CONDITIONAL USE PERMIT. A permit issued by the City Council in accordance with procedures specified in § 153.034 the City Code.

CONDOMINIUM. An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building.

CONSERVATION EASEMENT. An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property, including the retention, protection and maintenance of natural resources, open space, and agriculture.

CONSTRUCTION TRAILER. A mobile manufactured trailer that temporarily serves as an office for building construction ~~or property maintenance services.~~

CONTIGUOUS. Parcels of land that share a common lot line or boundary. Parcels which are separated by a right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of this chapter.

CONTRACTOR'S YARD. An outdoor storage area used to store or stockpile construction equipment, machinery, or supplies used by the property owner or tenant for off-site construction or similar professions. This does not include the lease, retail, or wholesale sales of construction or home improvement equipment, machinery, or supplies.

~~CONVENIENCE STORE. See MOTOR VEHICLE CONVENIENCE STORE.~~

CONVEYANCE. As defined in Minnesota Statutes.

~~COST OF RENOVATION, REPAIR, OR REPLACEMENT. The fair market value of the materials, labor, and services necessary to accomplish the renovation, repair, or replacement as determined by the Building Official.~~

~~CRAWL SPACE. As defined by the Building Code.~~

CREMATORIUM or CREMATORY. A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

~~CURB LEVEL. The level of the established curb as measured at the top of curb, in front of a building or structure measured at the center of the front. Where no curb elevation has been established, the City Engineer shall establish the curb elevation.~~

DAY CARE FACILITIES. Include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, daytime activity centers, day treatment programs and day services, nursery and preschools, and Montessori schools, as defined by Minnesota Statutes.

DAY CARE FACILITY, LICENSED. Any facility required to be licensed by a governmental agency which, for gain or otherwise, regularly provides 1 or more persons with care, training, supervision, rehabilitation, or development guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home.

~~DECIBEL. The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the "Standards on Sound Level Meters of the USA Standards Institute."~~

DENSITY. The number of dwelling units permitted per acre of net developable acres of land as regulated by the applicable zoning district.

DENSITY UNITS. The number of individual dwelling units that can be located on a parcel of land as established through the use of a yield plan. For the purpose of this chapter, a multi-family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.

DESIGN MANUAL. A prepared document for the purposes of articulating in written, graphic and pictorial form design requirements of the Zoning Code.

~~DISPOSAL AREA, ON-SITE SEWAGE TREATMENT. As defined by Washington County Codes.~~

DREDGING. The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

DRIVE-THRU. Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

DRIVEWAY ACCESS PERMIT. A permit required from the responsible governmental agency that allows access onto a public road. The permit must be acquired prior to construction **of the driveway** and the issuance of a building permit.

DWELLING. A building or 1 or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, or bed and breakfasts. (Also see DWELLING UNIT.)

(1) ACCESSORY DWELLING. A smaller, independent residential dwelling unit constructed on a permanent foundation and located on the same lot as a stand-alone (i.e., detached) single-family dwelling.

(2) **ACCESSORY APARTMENT. A secondary dwelling unit within an existing owner-occupied single-family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.**

(2) DUPLEX OR TWO-FAMILY DWELLING. A residential building containing 2 complete dwelling units with separate housekeeping and cooking facilities for each and with both units being under the same ownership.

(3) MULTIPLE-FAMILY DWELLING. A residential building containing 8 or more dwelling units with separate housekeeping and cooking facilities for each.

(a) APARTMENT, MULTIPLE-FAMILY DWELLING. A room or suite of rooms available for rent which is occupied as a residence by a single-family or group of individuals living together as a single-family unit.

(b) CONDOMINIUM, MULTI-FAMILY DWELLING. A form of property ownership that includes individual ownership of a residential dwelling unit within a multi-family



building and joint responsibility for maintenance and repairs of the land or other common property.

(c) COOPERATIVE, MULTIPLE-FAMILY DWELLING. A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific dwellings unit outright, as in a condominium, but they own shares in the enterprise.

(4) SEASONAL DWELLING. A residential building not capable of year-round occupancy due to non-winterized construction or inadequate nonconforming year-round on-site sewage treatment systems.

(5) SINGLE-FAMILY DWELLING, ATTACHED. A dwelling that is joined to another dwelling by a common wall.

(6) SINGLE-FAMILY DWELLING, DETACHED. A dwelling that is entirely surrounded by open space on the same lot.

(7) TEMPORARY DWELLING, CARE FACILITY. A manufactured home which temporarily serves as a residence for an infirm relative of the occupants residing in the primary single-family residence on the property where the relative requires care by the family.

(8) TEMPORARY DWELLING, DURING CONSTRUCTION. A manufactured home which temporarily serves as a residence for the present or potential occupant while the primary single-family residence is being constructed or reconstructed or altered due to natural catastrophe or fire.

(9) TOWNHOUSE DWELLING, ATTACHED. A single structure consisting of 2 or more dwelling units having the first floor at or near the ground level with no other dwelling units or portions thereof above or below with each dwelling unit connected to each other unit by a single party wall with no openings.

(10) TOWNHOUSE DWELLING, DETACHED. A dwelling that is entirely surrounded by open space and owned by an individual or owned in common by a homeowner's association.

DWELLING UNIT. A residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used, or intended for use exclusively as living quarters for 1 (one) family.

EASEMENT. ~~A grant by an owner of land for a specific use by persons other than the owner.~~ **The right of a person, entity, government agency, private or public utility company to use public or private land owned by another for a specific purpose.**

ENGINEER. The City Engineer.

ENVIRONMENTAL IMPACT WORKSHEET, ASSESSMENT or STATEMENT. A document that might be required under Minnesota Statutes ~~or this chapter~~ to determine the environmental effects resulting from a ground disturbing, development, or construction activity.

**EQUESTRIAN FACILITY. Building or buildings created and maintained for the purpose of accommodating, training or competing horses. An equestrian facility may include commercial operations and activities as defined in Equestrian Uses.**

EQUESTRIAN USES. Those uses **and activities** commonly associated with the boarding, raising, maintaining, and training of horses for riding, racing, or breeding.

ESSENTIAL SERVICES, GOVERNMENTAL USES, BUILDINGS AND STORAGE. An area of land or structures used for public purposes, storage, or maintenance and which is owned or leased by a governmental unit.

ESSENTIAL SERVICES, UTILITY SUBSTATION. A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large-size long-distance transmission lines to small retail quantities in a neighborhood distribution system. These uses include electric substations and telephone switching and relay facilities. Business offices associated with these uses are not included as part of this definition.

EXTERIOR STORAGE. The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

FACE LIFT. A renovation or restyling of the facade of a building, intended to give an attractive, more up-to-date appearance.

FAMILY. An individual, or 2 or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than 6 persons not related maintaining a common household exclusive of servants.

FARM. A tract of land which is principally used for agricultural activities such as the production of cash crops, **the raising and/or breeding of livestock**, or poultry farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operations of the farm.

FARMLAND. Land that is capable of supporting the commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products, or fruit or other horticultural products.

FEEDLOT. A lot or building or combination of lots and buildings intended for the confined breeding, raising, or holding of animals, and specifically designed as a confinement area in which manure may accumulate, or where a concentration of animals is such that a vegetative cover cannot be maintained within the enclosures. ~~of open~~ **Open** lots used for feeding and rearing of domestic farm animals **including poultry** shall be considered feedlots. Pastures are not considered feedlots.

FENCE. A partition, structure, wall, or gate erected as a dividing marker, visual or physical barrier, or enclosure.

FILL. Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, or transported and shall include the conditions resulting thereupon.

FINAL PLAT. A drawing or map of an approved subdivision that meets all requirements of the subdivision regulations.

FITNESS AND HEALTH CENTER. A business that provides recreational services and facilities, usually for the benefit of its membership or the general public, involving aerobic exercises, strength and cardiovascular equipment, indoor or outdoor game courts, swimming pools, running tracks, massage, tanning, hair and other personal services, saunas, steam

rooms, showers, lockers and the like that may be used at any time that the operation is open for business.

~~—FLAG LOT. A lot with access provided to the bulk of the lot by means of a narrow corridor.~~

FLASHING LIGHT. See lighting-related definitions.

FLOODPLAIN. The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

FLOOR AREA. ~~The area inside the exterior walls of a building or area. Measurements shall be made from the inside of exterior walls.~~ **Is the sum of the gross horizontal areas of all floors of a building or portion thereof devoted to a particular use. however, the “floor area” shall not include floor area other than area devoted to retailing activities, the production or processing of goods, warehousing, and business or professional offices.**

FLOOR PLAN, GENERAL. A graphic representation of the anticipated use of the floor area within a building or structure.

FLORIST, COMMERCIAL. A building or premises used primarily for the retail sale of flowers and small plants which may not have been grown or raised on the property and does not include a greenhouse.

FOOTPRINT. The area of the land covered by a building's foundation.

FRONTAGE. The boundary of a lot that abuts a public street or private road.

FULL SERVICE HOTEL. A building having provision for 10 or more guests in which lodging is provided for compensation, and which is open to transient or permanent guests or both, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge. This type of facility may also include meeting rooms, on-site restaurant and/or bars or other public amenities.

FUNERAL HOME. A building or part thereof used for funeral services. The buildings may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; the storage of caskets, urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall not include facilities for cremation.

GARAGE, PRIVATE. A detached accessory building or portion of the principal building, including a carport, which is used primarily for the storing of vehicles, trailers, or trucks.

GARDEN SUPPLY STORE AND NURSERY YARD. A building or premises used primarily for the wholesale and retail sale of trees, shrubs, flowers, other plants, and accessory products, excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products that are used in the culture, display, and decoration of lawns, gardens, and indoor plants.

GOLF COURSE. An area of land laid out for golf with a minimum series of 9 holes each, including a tee, fairway, and putting green and often 1 or more natural or artificial hazards.

GOVERNING BODY. The City Council.

GROUND LEVEL VIEW. The view of the building from the furthest point of the width of the right-of-way from the property line(s) that abut a street.

HAZARDOUS BUILDINGS or HAZARDOUS PROPERTY. Any building or property that, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

HAZARDOUS MATERIAL. A chemical or substance, or a mixture of chemicals or substances, which:

- (1) Is regulated by the Federal Occupational Safety and Health Administration regulations; or
- (2) Is either toxic or highly toxic materials, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

HEALTH/RECREATION FACILITY. An indoor facility that includes, **but is not limited to,** uses such as game courts, exercise equipment, locker rooms, jacuzzi and/or sauna, and pro shop.

~~HIGH POWER TRANSMISSION LINE. A 69 kV or greater electric transmission line with towers a minimum of 75 feet in height.~~

HISTORIC BUILDING AND STRUCTURE. A structure which has been identified by the Washington County History Network inventory ~~or~~, the State Historic Preservation Office **or the National Register of Historic Places** as having public value due to its notable architectural features relating to the cultural heritage of the city.

HOME OCCUPATION. ~~See § 153.092(L).~~ **The use of a portion of a dwelling, or an attached accessory building on the same lot, for commercial activities; these activities must be clearly secondary to the primary use of the structure as a residential dwelling.**

HOMEOWNER'S ASSOCIATION. A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

HORSE SHOW. An event where horses not boarded on the subject property are shown to the general public and guests. **A horse show also may include judged events where horses and riders compete against each other in various disciplines. An equestrian competition also is considered a horse show.**

HORSE TRAINING FACILITY, COMMERCIAL. A building in which horses not owned by the property owner **are trained to perform specific behaviors.** **The horses also may be kept for commercial use, including boarding, breeding, hire, riding, sale, show, and training.**

HORSE TRAINING FACILITY, PRIVATE. A building in which horses owned by the property owner are kept for private use and training.

HOTEL. A building having provision for 10 or more guests in which lodging is provided with or without meals, for compensation, and which is open to transient or permanent guests

or both, and which ingress and egress to and from all rooms is made through an inside lobby or office and hallway supervised by a person in charge.

IMPERVIOUS SURFACE. The portion of the buildable parcel which has a covering which does not permit water to percolate into the natural soil. IMPERVIOUS SURFACE shall include, but not be limited to, buildings, all driveways and parking areas (whether paved or not), sidewalks, patios, tennis and basketball courts, covered decks, porches, **pools** and other structures.

INDIVIDUAL PARCEL. A parcel as a whole as charged on the tax lists or 2 or more contiguous parcels under common ownership on the effective date of this chapter.

INOPERATIVE VEHICLE. ~~A vehicle incapable of movement under its own power.~~ **Any vehicle that cannot be driven or propelled under its own power in its existing condition, or because its wrecked, damaged, junked, or partially dismantled condition, or that cannot be driven because necessary licenses or authorizations have not been obtained and displayed on the vehicle.**

**INSTITUTIONAL USE: The use of land, buildings or structures for a public or non-profit purpose. Examples of institutional uses include schools, places of worship, government offices and buildings, community centers and post offices.**

~~—INTERIM USE. See USE, INTERIM.~~

JUNK YARD. An area where used, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, gartered, cleaned, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles, and lumber. Storage of the material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

KENNEL, COMMERCIAL. A business which conducts the selling, boarding, breeding, showing, treating or grooming of domestic animals over 6 months of age.

KENNEL, PRIVATE. An accessory structure kept on premises and owned by a member of the household, which are zoned and occupied for residential purposes and where the keeping of such domestic animals is incidental to the occupancy of the premises for residential purposes.

LAND ALTERATION. The reclaiming of land by depositing, removing, or moving material so as to alter the grade or topography.

LAND CLEARING. The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any 12 month period. For specific regulations with regard to this definition, please refer to §§ 153.196 et seq. as it relates to woodland preservation.

~~—LANDSCAPING. Planting trees, shrubs, and turf covers such as grasses and shrubs.~~

LIGHTING-RELATED.

(1) CUTOFF. The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated at a specific angle above the ground.

(2) CUTOFF ANGLE. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

(3) CUTOFF TYPE LUMINAIRE. A luminaire with elements such as shields, reflectors, or refractor panels that direct and cut off the light at a cutoff angle that is less than 90 degrees.

(4) FIXTURE OUTDOOR. Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached, including, but not limited to, the hardware casing. The devices shall include, but are not limited to, search, spot, and flood lights for:

- (a) Buildings and structures;
- (b) Recreational areas;
- (c) Parking lot lighting;
- (d) Landscape lighting;
- (e) Billboards and other signs;
- (f) Street lighting;
- (g) Product display area lighting; and
- (h) Building overhangs and open canopies.

(5) FLASHING LIGHT. A light source that is not constant in intensity or color at all times while in use.

(6) FOOTCANDLE. A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1 candle.

(7) LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(8) OUTDOOR. Any light source or collection of light sources located outside of a building, including, but not limited to, light sources attached to any part of a structure, located on the surface of the ground, or located on freestanding poles.

(9) SECURITY LIGHTING. Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

(10) SHIELDING. A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing the light fixture.

(11) SOURCE. A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

(12) SPILLAGE. Any reflection, glare, or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

LIVE ENTERTAINMENT. A public event or private use with the intent of entertaining spectators.

~~LIVESTOCK. See ANIMALS, DOMESTIC FARM.~~

LIVESTOCK OPERATIONS. A lot or structure or combination of lots and structures intended for the breeding, management, production, raising, or holding of 11 or more animal units.

LOADING SPACE. An unobstructed area and space accessible from a street, alley, or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.

LOT. A parcel of land designated by metes and bounds, registered land survey, plat, or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate the parcel from other lands for tax purposes. (See YARD.)

(1) AREA OF LOT. The area of a horizontal plane within the lot lines.

(2) AREA - MINIMUM PER DWELLING UNIT. The minimum number of square feet or ~~gross~~ net developable area per dwelling unit.

(3) BUILDABLE LOT. A lot that meets or exceeds all requirements of this chapter without the necessity of a variance.

(4) CORNER LOT. A lot situated at the junction of and abutting 2 or more intersecting streets or public rights-of-way; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.

~~(5) COVERAGE OF LOT. That portion of a lot containing an artificial or natural surface through which water cannot penetrate. This definition includes, but is not limited to, driveways, structures, and patios.~~

(6) DEPTH OF LOT. The maximum horizontal distance between the rear lot line and the frontage right-of-way. On a corner lot, the side with the largest frontage is its depth and the side with the lesser frontage is its width.

(7) INTERIOR LOT. A lot other than a corner lot including through lots.

(8) LOT LINE. A lot line is the property line bounding a lot except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of the public right-of-way shall be the lot line for applying this chapter.

(9) ~~LINE~~-LOT LINE RELATED.

(a) FRONT LOT LINE. That boundary of a lot that abuts an existing or dedicated public street or a private road. In the case of a corner lot, it shall be the shortest dimension of the lot abutting the street or road. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the city. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

(b) REAR LOT LINE. That boundary of a lot that is opposite to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line



shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

(c) SIDE LOT LINE. Any boundary of a lot that is not a front lot line or a rear lot line.

~~—(10) NOMINAL LOT. See NOMINAL PARCEL.~~

(11) THROUGH LOT. Any lot other than a corner lot that abuts more than 1 street or street right-of-way. On a through lot, all property lines abutting the street right-of-way shall be considered the front lines.

(12) WIDTH OF LOT. The maximum horizontal distance between the side lot lines of a lot measured at the minimum required front setback line.

~~—MAJOR HIGHWAY. Those highways and/or roadways that are classified as principal and minor arterials and collectors in the Comprehensive Plan.~~

MANUFACTURED HOME. A structure transportable in 1 or more sections which, in the transporting mode, is 8 body feet or more in width, or 40 body feet or more in length, or when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that 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 the United States Department of Housing and Urban Development and complies with the standards established under Minnesota Statutes. No manufactured dwelling shall be moved into the city that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes.

**MANUFACTURED HOME PARK. Real property under single ownership that is used as the location for two or more manufactured homes that are, or are intended to be, occupied as dwellings, upon lots that are not conveyable.**

MANUFACTURING. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of the products.

**MANUFACTURING, LIGHT. The manufacture of products where the process does not create and emit fumes, smokes, vapors, vibrations, noise, glare, or other factors that are regarded as nuisances that could which would cause adverse effects to the users of adjacent land.**

MANURE. Any solid or liquid containing animal excreta.

MARINA. Either an inland, shoreline, or off-shore area for the concentrated mooring of 5 or more watercraft wherein facilities are provided for any or all of the following ancillary services: boat storage, fueling, launching, mechanical repairs, sanitary pump out, and restaurant services.

MAUSOLEUM. A structure for the entombment of the dead in crypts or vaults in a cemetery.

MEDICAL USES. Those uses concerned with the diagnosis, treatment, and care of human beings **including but not limited to hospitals, dental services, medical services or clinics.**

**METROPOLITAN URBAN SERVICE AREA (MUSA): The area where public utilities including sanitary sewer and water are or will be available and is identified in the City's Comprehensive Plan.**

MICRO DISTILLERY. A distillery located within the city producing premium distilled spirits in total quantity not to exceed 40,000 proof gallons per calendar year.

MICRO WIRELESS FACILITY. A small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

MINING. The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of this chapter, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

- (1) Excavation for the foundation, cellar, or basement of some pending construction for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage;
- (2) On-site construction of approved roads, sewer lines, storm sewers, water mains, or surface water drainage approved by the local unit of government for agriculture or conservation purposes, sod removal, or other public utilities;
- (3) Landscaping purposes on a lot used or to be used as a building site;
- (4) Grading/excavation of less than 1 acre of land in conjunction with improvement of a site for lot development providing that activities will be completed in 1 year;
- (5) The removal of excess materials in accordance with approved plats or highway construction.
- (6) Topsoil removal pursuant to an interim use permit.

~~MIXED RESIDENTIAL DEVELOPMENT. A development consisting of single-family detached and single-family attached dwelling units.~~

MOORING. Any containment of free-floating watercraft that provides a fixed fastening for the craft.

MOTEL. An establishment containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside, and providing **motor vehicle** ~~automobile~~ parking located adjacent to or near sleeping rooms.

~~MOTOR FREIGHT TERMINAL. See TRANSPORTATION, MOTOR FREIGHT TERMINAL.~~

MOTOR VEHICLE CONVENIENCE STORE. Premises for self-service motor fuel sales that may include the sale of convenience groceries, fast foods and/or a restaurant, and may offer a car wash.

**MOTOR VEHICLE FUEL STATION: A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may**

**include sale of petroleum products, sale and servicing of tires, batteries, vehicle accessories, and replacement items, washing and lubrication services; and the performance of minor motor vehicle maintenance and repair.**

MOTOR VEHICLE, NEW AUTO DEALERSHIP, LICENSED. Premises for the sale, rental, leasing, and service of motor vehicles, including a building containing such things as a showroom, offices, service area and parts room, and exterior sales lots for displaying new and used vehicles.

MOTOR VEHICLE PART SALES. Retail and wholesale sale of new auto parts, equipment, and supplies to the general public and the automotive industry.

MOTOR VEHICLE REPAIR, MAJOR. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame, or fender straightening or repair; overall painting and upholstering; and/or vehicle steam cleaning.

MOTOR VEHICLE REPAIR, MINOR. Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under MOTOR VEHICLE REPAIR, MAJOR.

~~MOTOR VEHICLE SERVICE STATION. A place for the dispensing, sale, or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of motor vehicles.~~

MOTOR VEHICLE, USED AUTO DEALERSHIP, LICENSED. Premises having an open sales lot for displaying used vehicles and which may include a small structure for conducting sales and a service bay for detailing and minor preparation of vehicles for sale.

MOTOR VEHICLE WASH. Premises having a structure for washing and drying vehicles and adequate outdoor space for staging vehicles into and out of the wash.

MOVING PERMIT. A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.

NATURAL DRAINAGE WAY. A depression in the earth's surface, such as ravines, draws, and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.

NATURAL RESOURCES. The physical values of the land supplied by nature, including, but not limited to, animal life, plant life, soil, rock, minerals, and water.

NEIGHBORHOOD. An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference where people live in close proximity to one another.

NOISE, AMBIENT. The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominate source.

~~NOMINAL PARCEL. A parcel not reduced by more than 10% of its lot area due to road right-of-way dedication or survey corrections.~~

NONCONFORMING LOT. A separate parcel or lot of record on the effective date of this chapter, or any amendments thereto, which lot or parcel does not conform to the regulations, including area or dimensional standards contained in this chapter or amendments thereto.

NONCONFORMING STRUCTURE. Any structure lawfully or legally existing on the effective date of this chapter, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of this chapter or amendments thereto.

NONCONFORMING USE. Any use lawfully or legally existing on the effective date of this chapter, or any amendment thereto, that does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER OR MATERIAL. Material that is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical, economic, or mental health of human beings.

NURSING HOME. A building with facilities for the health evaluation and treatment **of five or more persons** ~~patients and residents~~ who are not in need of an acute care facility but who require nursing supervision on an inpatient basis. A nursing home does not include a facility or that part of a facility that is a hospital, **clinic, doctors office, diagnostic or treatment center or a residential program licensed pursuant to MN State Statute.**

OFFICE. A room, suite of rooms, or a building containing rooms or suites of rooms in which commercial activities, professional services, or occupations are conducted that do not require that goods are stored, produced, sold at retail, or repaired, including, but not limited to, financial institutions, professional offices, governmental offices, insurance offices, real estate offices, utility offices, radio broadcasting, and similar uses.

OFFICIAL CONTROL. Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the city, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. The official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps that have been adopted by the city as the Forest Lake Zoning Ordinance.

OFFICIAL MAP. A **zoning** map adopted in accordance with the provisions of Minnesota Statutes.

OPEN SALES LOT. Lands devoted to the display of goods for sale, rent, lease, or trade where the goods are not enclosed within a building.

OPEN SPACE. Land used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes that is undivided and permanently protected from future development.

OPEN SPACE DESIGN DEVELOPMENT. A pattern of subdivision development that places residential dwelling units into compact groupings while providing a network of dedicated open space.

~~OPEN STORAGE. See EXTERIOR STORAGE.~~

OUTDOOR SIDEWALK CAFE. A seasonal expansion of a permitted restaurant, delicatessen, or lunch shop outside on an attached or unattached patio structure, or a freestanding public or private outdoor cafe in conjunction with a promotional event.

OVERLAY DISTRICT. A zoning district shown as an overlay on the Zoning Map. Development within an overlay district is subject to the regulations of both the underlying zoning district and the overlay district.

OWNER. Includes all persons interested in a property as fee simple owner, life estate holder, or encumbrancer.

PARKING SPACE. A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store 1 standard sized automobile.

PASTURE. Areas, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing, and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or water devices.

PEDESTRIAN WAY. A public or private right-of-way across or within a block or tract to be used by pedestrians.

PERFORMANCE STANDARDS. The minimum development standards adopted by the city that apply to all lots or uses, in addition to the other specific regulations which apply to the individual lot or use.

~~—PERSON. Any person, corporation, or association, including governmental agencies and political entities.~~

~~—PERVIOUS SURFACE. Surface materials that admit the passage of water.~~

PLACE OF WORSHIP. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled through ownership by a religious body organized to sustain worship. The service of food and, meals on such premises may be provided if secondary and incidental to the promotion of some other common objective of the organization and adequate dining room space and kitchen facilities for the purpose of serving food and meals are available.

PLANNED UNIT DEVELOPMENT. All developments having 2 or more principal uses on a single parcel of land; may include townhomes, multi-use structures, recreational uses, mixed residential and commercial type developments, commercial type developments, and industrial type developments.

PLANNING COMMISSION. The duly appointed planning commission of the city.

PLANT NURSERY, COMMERCIAL. A building or premises used primarily for the retail sale of trees, shrubs, flowers, or other plants which may not have been grown or raised on the property.

PLANT NURSERY, WHOLESALE. A building or premises used primarily for the growing and wholesale sale of trees, shrubs, flowers, and other plants.

~~—PLATTED LAND. Lands with legal descriptions described as lot, block, and plat name.~~

PRIME FARMLAND. Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. **This land has the soil quality, growing season and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming practices.**

PRINCIPAL STRUCTURE OR USE. The primary or predominant use for which a lot and structure, if any located thereon, is conducted or maintained, as contrasted to an accessory use or structure.

PROTECTIVE OR RESTRICTIVE COVENANT. A contract entered into between private parties that constitute a restriction of the use of a particular parcel of property.

PUBLIC COMPOSTING FACILITY. Any site operated, controlled or contracted by **a public entity** ~~the city~~ for the purpose of providing for the collecting and composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste and providing for the disposition of same.

PUBLIC LAND. Land owned and/or operated by a governmental unit, including school districts **and watershed districts.**

PUBLIC WATERS. All lakes, ponds, swamps, streams, drainageways, flood plains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within the **City community** ~~as defined by the~~ Department of Natural Resources.

RECREATION, COMMERCIAL. Land intended to accommodate uses that provide active and passive recreational opportunities on a use and/or membership fee basis. Land designated for commercial recreation use differs from land guided for park and recreation use in that it is privately owned land, rather than being publicly owned.

RECREATION EQUIPMENT. Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 30 feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures, but not including tree houses, swimming pools, playhouses exceeding 25 square feet in floor area, ~~or sheds utilized for storage of equipment.~~ **(Also see Section 153.260 – Vehicles)**

RECREATION, PUBLIC. Land intended to accommodate uses that provide active and passive recreational opportunities, whether or not on a use and/or membership fee basis. Land designated for public recreation use differs from land guided for commercial recreation use in that it is publicly owned land, rather than being privately owned. Typical uses include tot lots, neighborhood parks, community parks, ball fields, public golf courses, public gardens, greenways and trail corridors, beaches, and community centers.

RECREATION VEHICLE (RV). Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications: is not used as the permanent residence of the owner or occupant; is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; or is towed or self-propelled on public streets or highways incidental to the recreation or vacation activities. Examples of the vehicles include van campers, tent camping trailers, self-contained travel

trailers, pick-up campers, camping buses, and self-contained and self-propelled truck chassis mounted vehicles providing living accommodations.

**RECYCLABLE MATERIALS.** Materials that are separated from mixed municipal solid waste for the purpose of recycling **or composting**. For the purpose of this chapter, these materials are limited to paper, glass, plastics, **cardboard, motor vehicle oil, batteries,** and metals. Refuse derived fuel (RDF) **or other material that is destroyed by incineration** is not a recyclable material under the provisions of this chapter.

**RECYCLING.** The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

~~—**RECYCLING CENTER.** A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products.~~

**RECYCLING FACILITY.** A facility where materials are collected and prepared for reuse in in their original form or for the use of manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.

**REFUSE.** Perishable and non-perishable solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

**RESEARCH.** Medical, chemical, electrical, metallurgical, or other scientific research and quality control conducted in accordance with the provisions of this chapter.

**RESIDENTIAL FACILITY, LICENSED.** Any facility required to be licensed by a governmental agency, public or private, which for gain or otherwise regularly provides 1 or more persons with 24 hours per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home.

**RESORT FACILITY.** Any structure containing 1 or more dwelling units or separate living quarters or group of structures containing more than 2 dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of the structure or structures being recreational in nature. Uses may include a grocery for guests only, fish cleaning house, marine service, campground, boat landing and rental, recreational area and equipment, and similar uses normally associated with a resort operation.

**RESTAURANT FAST FOOD.** Any restaurant that meets some or all of the following requirements:

- (1) Customarily provides quick service to its customers;
- (2) Offers to its customers a limited, standardized choice of ~~inexpensive~~ food and/or beverages;
- (3) Serves its customers from a counter and customarily does not serve its customers at tables by a wait person;



- (4) Packages and serves its food and beverages in disposable wrappers, containers, cartons, boxes and/or bags;
- (5) Expects customers to dispose of their used food serving and packaging containers in trash, litter, or garbage cans;
- (6) Prepares a considerable amount of its food in volume in advance of ordering by customers;
- (7) Offers food to customers by way of signs, placards, posters, valances, or boards rather than on menus given to customers.

RESTAURANT, FULL SERVICE. A business establishment whose principal business is the preparing, selling, and serving of unpackaged food to customers seated at counters or tables in a ready-to-consume state.

RETAIL/OFFICE/MULTI-TENANT STRUCTURE. Any grouping of 2 or more principal retail uses, whether on a single lot or on abutting lots under multiple or single ownership. **This definition includes shopping centers.**

RETAIL SALES AND SERVICES. Stores and shops selling goods over the counter for use away from the point of purchase or offers services available on the premises. Large items, such as motor vehicles and boats, or exterior sales lots and repair garages, are not included in this category of uses.

RIGHT-OF-WAY, PUBLIC. An area for public use owned and maintained by a government jurisdiction.

RUNWAY. A surface of an airport landing strip.

RUNWAY INSTRUMENT. A runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

SCENIC RESOURCES. That part of the landscape that provides a picturesque view and may contain outstanding recreational, natural, historic, scientific, and manmade values.

SCHOOL. A facility that provides a curriculum of preschool, elementary, secondary, post-secondary, or other instruction, including, but not limited to, licensed daycare facilities, kindergartens, elementary, junior high, high schools, and technical or college instruction.

SCHOOL, HOME. A school within a residential dwelling educating children residing in the residential dwelling.

SCHOOL, SPECIALTY. A facility that provides specialized instruction for dance, music, art, karate, or similar educational activities.

SCREENING. Includes earth mounds, berms, or ground forms, fences and walls, or landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object throughout the year.

SELF-SERVICE STORAGE. ~~A structure or structures containing separate storage spaces of varying sizes that are leased or rented individually.~~ **A facility where rooms or lockers are rented to tenants, usually on a monthly basis, in which tenants can store and access their goods. The rented spaces are usually secured by the tenant's own lock and key. Unlike in**

**a warehouse, self-storage facility employees do not have casual access to the contents of the space.**

**SENIOR HOUSING. As defined by Minnesota statutes providing sleeping accommodations to one or more adult residents, at least eighty percent (80%) of which are fifty five (55) years of age or older, and offering or providing, for a fee, one or more regularly scheduled health related services or two (2) or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment**

SEPTIC PERMIT. A permit required from the county for the installation of any new or replacement of on-site sewage disposal system.

SETBACK. The minimum horizontal distance between a structure and street right-of-way, lot line, or other reference point as provided by this chapter. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

~~SHOPPING CENTER. See RETAIL/OFFICE/ MULTI-TENANT STRUCTURE.~~

~~SIGN. See §§ 153.162 et seq. **Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services. This includes symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walks, awnings, freestanding structures, suspended by balloons or kites, or on persons, animals, or vehicles.**~~

SMALL WIRELESS FACILITIES. A wireless facility that:

(1) Meets both of the following qualifications:

(a) Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than 6 cubic feet; and

(b) All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

(2) A micro wireless facility.

STORY. See adopted Building Code for definition.

STREET. A public vehicular right-of-way which affords a primary means of access to abutting property, except in the case of streets with a high volume of vehicular traffic where access may be restricted and an alternative access may be required.

(1) ARTERIAL STREET. A street, as designated in the Comprehensive Plan, which serves or is designed to serve heavy flows of traffic, and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

(2) COLLECTOR STREET. A street that serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road and designated as a collector street on the City Comprehensive Plan.

(3) LOCAL STREET. A street intended to serve primarily as an access to abutting properties.

(4) PRIVATE STREET. A private street that has been approved by the city. The street must support emergency vehicles, and ~~specify that~~ provisions must exist for the ongoing maintenance of the street.

~~(5) STREET PAVEMENT. The wearing or exposed surface of the roadway used by vehicular traffic.~~

(46) STREET, PUBLIC. A street owned and maintained by a government jurisdiction.

~~(7) WIDTH OF STREET. The width of the right-of-way measured at right angles to the centerline of the street.~~

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would affect or prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

STRUCTURE. Something built or constructed, the use of which requires a location on the ground or attached to something having a location on the ground, including buildings, advertising signs, billboards, or fences over 5 feet in height, swimming pools, and towers.

STRUCTURE, NONCONFORMING. See NONCONFORMING STRUCTURE.

SUBDIVISION. The process of dividing land into 2 or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale, or other means by which a beneficial interest in land is transferred.

SUBDIVISION, MAJOR. All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of 4 or more lots, or any size subdivision requiring any new street or extension of an existing street and not in conflict with any provisions or portion of the Comprehensive Plan, Official Zoning Map, Zoning Regulations, or these regulations.

SUBDIVISION, MINOR. Any subdivision containing 3 or less lots fronting on an existing street and not involving any new street or road or the extension of municipal facilities or the creation of any public improvements and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provisions or portion of the Comprehensive Plan, Official Zoning Map, Zoning Regulations, or these regulations.

TAPROOM. Location where on-sale malt liquor produced by a brewer is available for consumption on the premises of or adjacent to one brewer location owned by the brewer.

TAVERN or BAR. A building with facilities for the serving of beer, liquor, wine, set-ups, and short order foods.

TEMPORARY/SEASONAL SALES. A facility or area for temporary or seasonal sales of goods, wares, or merchandise **indoors or outdoors.** (see § 153.092(HH)).

TOPSOIL REMOVAL. The excavation and subsequent off-site removal of more than 50 cubic yards of surface soil, usually including the organic layer in which plants have most of their roots. TOPSOIL REMOVAL does not include the removal of sand, aggregate, gravel, or mineral deposits.

TOWER. A ground or roof mounted pole; spire; free standing, self-supporting lattice or monopole structure; or combination thereof taller than 35 feet, including but not limited to supporting lines, cables, wires, braces, and masts, intended primarily for the purposes of mounting an antenna, meteorological device, or similar apparatus above grade. This definition does not include wireless support structures for small wireless facilities governed by ~~M.S. § 237.163~~ **Minnesota state law** and located in the public right-of-way.

TOWER ACCESSORY STRUCTURE. A structure located at the base of the tower.

APPARATUS. Any equipment mounted on or attached to a new or existing tower, including platforms, antennas, rotors, emergency sirens, lights, and the like.

TRANSPORTATION/MOTOR FREIGHT TERMINAL. A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks, are parked or stored.

TRANSPORTATION TERMINAL. Taxi, bus, train, and mass transit terminal and related ticketing, passenger waiting, parking, and storage areas.

TRASH ENCLOSURE SERVICE STRUCTURE. A covered or uncovered structure screening and containing trash receptacles and maintenance equipment used on-site.

TRAVEL TRAILER/RV CAMPGROUND/MARINA. An area or premises operated as a commercial enterprise on a seasonal basis and generally providing space for seasonal accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers, and tents.

TRUCK STOP. A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities.

USE. ~~The function for which property can be used.~~ **The purpose or activity for which land or a building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall include the performance standards of this Title.**

(1) ACCESSORY USE. A use subordinate to and serving the principal use or structure on the same lot and incidental to the principal use. ~~See §§ 153.110 et seq.~~

(2) CONDITIONAL USE. Either a public or private use as listed which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After consideration, in each case, of the impact of the use upon neighboring land, and of the public need for the particular use at the particular location, the "conditional use" may or may not be granted by the Council. ~~See § 153.034.~~

(3) INTERIM USE. A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

(4) NONCONFORMING USE. See NONCONFORMING USE.

(5) OPEN SPACE USE. The use of land without a structure or including a structure incidental to the open space.

(6) PERMITTED USE. A use that is or may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards of the district.

(7) 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.

VARIANCE. A modification or variation of the provisions of this chapter as applied to a specific lot or property, except that modification in the allowable uses in the district in which the property is located shall not be allowed as a variance.

VEGETATION, NATURAL. Plant life that is native to the location and which would normally grow if the ground were left undisturbed.

VETERINARY, **LARGE ANIMAL**. Those uses concerned with the diagnosis, treatment, and medical care of animals **like cows, horses sheep, goats and pigs** including animal or pet hospitals.

**VETERINARY, SMALL ANIMAL. Those uses concerned with the diagnosis, treatment, and medical care of animals like cats, dogs, birds, hamsters including animal or pet hospitals.**

WAREHOUSING. The storage, packing, and crating of materials or equipment within an enclosed building or structure.

WAREHOUSING AND DISTRIBUTION. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**WATER BODY: Any lake, stream, pond, wetland or river.**

**WATER DEPENDENT USES: Uses that in order to exist or function, require a location or use of the riverfront, including, but not limited to, barge loading and barge fleeting areas, marinas, industries that receive or ship goods or materials by water as an essential part of their operation, boat and barge construction, dismantling and repair, riverfront recreation, intakes and outfalls, and water monitoring and measuring facilities.**

WETLAND.

(1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this chapter, WETLANDS must:

- (a) Have a predominance of hydric soils;
- (b) Be inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances, support a prevalence of hydrophytic vegetation.

(2) WETLANDS generally include swamps, marshes, bogs, and similar areas.

WHOLESALING. The selling of goods, equipment, and materials by bulk to another person who in turn sells the same to customers.

WIND ENERGY CONVERSION SYSTEM. One tower with rotors and motors with 1 conversion generator.

WIRELESS SUPPORT STRUCTURE. A new or existing structure located in a public right-of-way designed to support, or capable of supporting, small wireless facilities, as determined by the city.

YARD. The open space on a lot that is not covered by any structure from its lowest ground level to the sky except as expressly permitted in this chapter. A YARD shall extend along a lot line and at right angles to the lot line to a depth or width specified in the zoning regulations for the district in which the lot is located. (See LOT.)

(1) FRONT YARD. A yard extending along the full ~~total~~ width of the front of the lot between the side lot lines and extending from the abutting front street right-of-way line to a depth required in the zoning regulations for the district in which the lot is located lying between the front line of the lot and the nearest allowable building line.

(2) REAR YARD. A yard extending along the full width of the rear of the lot between the side lot lines and extending toward the front lot lines for a depth as specified in the zoning regulations for the district in which the lot is located and lying between the rear line of the lot and the nearest allowable building line.

(3) REQUIRED YARD. A yard area which may not be built on or covered by structures because of the dimensional setbacks for the structures within the zoning district.

(4) SIDE YARD. A yard between the side line of the lot and the nearest allowable building line. A yard extending along a side lot line between the front and rear yards having a width as specified in the zoning regulations for the district in which the lot is located.

YARD WASTE FACILITY. Any site used for the storage and/or composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings generated off-site. Yard wastes generated on-site and used on the same site are not included in this definition.

YIELD PLAN. A subdivision plan, drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with this chapter and the Forest Lake Comprehensive Plan.

ZONING DISTRICT. An area or areas within the limits of the city in which the regulations and requirements of this chapter are applied uniformly.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 602, passed 11-8-2010; Am. Ord. 607, passed 5-9-2011; Am. Ord. 646, passed 9-14-2015; Am. Ord. 651, passed 3-14-2016; Am. Ord. 663, passed --; Am. Ord. 676, passed 7-9-2018; Am. Ord. 702, passed 2-22-2021; Am. Ord. 719, passed --; Am. Ord. 726, passed 8-28-2023)

**Section 2. Summary Publication.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the City Council approves the following summary and the City shall publish the summary in lieu of publishing the entire ordinance:

This is an amendment to the Definitions in the Zoning Code to remove, add, and amend.

**Section 3. Effective Date.** This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY OF FOREST LAKE**

By: \_\_\_\_\_  
Blake Roberts  
Its: Mayor

Attested:

By: \_\_\_\_\_  
Jolleen Chaika  
Its: City Clerk

(Published in the *Forest Lake Times* on \_\_\_\_\_, 2025)





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**To:** Forest Lake Planning Commission

**CC:** Abbi Wittman, Community Development Director  
Ken Roberts, City Planner

**From:** Claire Stickler, MSA Professional Services

**Subject:** Proposed Lighting Ordinance Changes

**Date:** February 17, 2025 (for February 26, 2025 Planning Commission meeting)

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### **Proposed Zoning Code Text Amendments**

**Bold and underline** are proposed additions to the code and ~~strikeout~~ are proposed removal of language from the code. These amendments pertain to the lighting regulations. There were several additional regulations within minimum design standards (153.074, 153.080, 153.084, 153.085) that staff felt were better placed fully within the lighting section (153.130) of the Zoning Code. The only language change proposed for the lighting amendments is clarifying that the specific zoning district must follow the City Lighting Ordinance. This allows for all the lighting language to be in one section of the code.

#### Section 153.074 MINIMUM STANDARDS FOR DESIGN: APPLICABLE TO ALL COMMERCIAL/BUSINESS DISTRICTS (NC, B-1, B-2)

(3) Lighting. **The NC District must follow** ~~In addition to the lighting requirements presented in § 153.130~~ **the City's lighting ordinance.** ~~lighting in the NC District shall be subject to the following regulations:~~

- ~~— (a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~
- ~~— (b) Shoe box style lighting shall only be permitted in parking areas.~~
- ~~— (c) Decorative lighting appropriate to this district is illustrated in the Commercial Design Manual.~~
- ~~— (d) Lighting fixtures shall be compatible with the architecture of the building.~~
- ~~— (e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

(4) Lighting. **The B-1 District must follow** ~~In addition to the lighting requirements presented in § 153.130~~ **the City's lighting ordinance.** ~~lighting in the B-1 District shall be subject to the following regulations:~~



~~— (a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~

~~— (b) Shoe box style lighting shall only be permitted in parking areas.~~

~~— (c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.~~

~~— (d) Lighting fixtures shall be compatible with the architecture of the building.~~

~~— (e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

(2) Lighting. **The B-3 District must follow** In addition to the lighting requirements presented in § 153.130, **the City's lighting ordinance**, lighting in the B-3 District shall be subject to the following regulations:

~~— (a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~

~~— (b) Shoe box style lighting shall only be permitted in parking areas.~~

~~— (c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.~~

~~— (d) Lighting fixtures shall be compatible with the architecture of the building.~~

~~— (e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

#### Section 153.080 MINIMUM STANDARDS FOR DESIGN: APPLICABLE TO ALL INDUSTRIAL DISTRICTS (I, BP) AND THE B-3 DISTRICT.

(2) Lighting. **The I District must follow** In addition to the lighting requirements presented in § 153.130, **the City's lighting ordinance**, lighting in the I and B-3 Districts shall be subject to the following regulations:

~~— (a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~

~~— (b) Shoe box style lighting shall only be permitted in parking areas.~~

~~— (c) Decorative poles and fixtures shall be consistent with the Forest Lake Design Requirement Manual.~~

~~— (d) Lighting fixtures shall be compatible with the architecture of the building.~~

~~— (e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~



(4) Lighting. **The BP District shall be subject to** ~~In addition to the lighting requirements presented in § 153.130, **the City's lighting ordinance.** lighting in the BP District shall be subject to the following regulations:~~

- ~~—(a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~
- ~~—(b) Shoe box style lighting shall only be permitted in parking areas.~~
- ~~—(c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.~~
- ~~—(d) Lighting fixtures shall be compatible with the architecture of the building.~~
- ~~—(e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

#### Section 153.084 DOWNTOWN MIXED USE (MU-1) DISTRICT

(N) Lighting. In addition to the lighting requirements presented in § ~~153.130~~ **the City's lighting ordinance**, lighting in the Downtown Mixed Use District shall be used to increase visibility, security, and aesthetic appeal of nighttime landscapes. Light fixtures will be used to unify the downtown area.

- ~~—(1) Lighting fixtures shall be compatible with the architecture of the building.~~
- ~~—(2) Shoe box style lighting shall only be permitted in parking areas (private).~~
- ~~—(3) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

#### Section 153.085 GENERAL MIXED USE (MU-2) DISTRICT

(N) Lighting. **The MU 2 District shall follow** ~~In addition to the lighting requirements presented in **the City's lighting ordinance.** § 153.130, lighting in the MU-2 District shall also be subject to the following requirements:~~

- ~~—(1) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~
- ~~—(2) Shoe box style lighting shall only be permitted in parking areas.~~
- ~~—(3) Lighting fixtures shall be compatible with the architecture of the building.~~
- ~~—(4) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~



All of the strikeout language from above is proposed to be moved to section 153.130. See below:

#### Section 153.130 LIGHTING REGULATIONS

(A) Purpose. The purpose of this section is to create standards for outdoor lighting so that it does not interfere with the reasonable use and enjoyment of property within the city and with astronomical observations. It is the intent of this chapter to encourage, through regulation of types, kind, construction, installations, and use of outdoor electrically powered illuminating devices, lighting practices and systems which will reduce light pollution while increasing nighttime safety, utility, security, and productivity.

(B) Exemptions. The standards of this section shall not apply to the following.

(1) Temporary holiday lighting. This chapter does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.

(2) Civic event lighting. This chapter does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.

(3) Airport lighting. Required for the safe operation of airplanes.

(4) Emergency lighting. By police, fire, and rescue authorities.

(C) Nonconforming uses.

(1) All outdoor lighting fixtures lawfully existing and legally installed prior to the effective date of this section are exempt from the regulations contained in this section.

(2) Whenever an outdoor light fixture that was existing on the effective date of this chapter is replaced by a new outdoor light fixture, the new fixture must meet the standards of this chapter.

(D) Method of measuring light intensity. The footcandle level of a light source shall be taken after dark with the light meter held 6 inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the 2 readings will be identified as the illumination intensity.

(E) Performance standards.

(1) Residential/agricultural district standards. In all residential/agriculture districts any lighting used to illuminate an off-street parking area or other structure or area shall be arranged to deflect light away from any adjoining residential property or from the public street.

(a) Shielding. The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity as defined below in division (E)(2) below. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.

(b) Intensity. No light source or combination thereof which cast light on a public street shall exceed 1 footcandle meter reading as measured from the centerline of the street, nor shall



any light source or combination thereof which casts light on adjacent property exceed 0.4 footcandles as measured at the property line.

(2) Business, commercial, mixed use, industrial districts and non-residential uses in residential districts. Any lighting used to illuminate an off-street parking area or other structure or area shall be arranged to deflect light away from any adjoining property or from the public street.

(a) Shielding. The luminaire shall contain a cutoff that directs and cuts off the light at an angle of 90 degrees or less.

(b) Intensity. No light source or combination thereof which cast light on a public street shall exceed 1 footcandle meter reading as measured from the centerline of the street, nor shall any light source or combination thereof which cast light on adjacent property exceed 0.4 footcandles as measured at the property line.

(c) Height. The maximum height above the ground grade permitted for light sources mounted on a pole is 25 feet except by conditional use permit (CUP). A light source mounted on a building shall not exceed the height of the building, and no light sources shall be located on the roof unless the light enhances the architectural features of the building and is approved by the Zoning Administrator.

(d) Location. The light source of an outdoor light fixture shall be set back a minimum of 5 feet from a street right-of-way and 5 feet from an interior side or rear lot line.

(e) Hours. The use of outdoor lighting for parking lots serving commercial and industrial businesses is restricted according to the following. Outdoor lighting that serves businesses that do not operate after dark must be turned off 1 hour after closing except for approved security lighting. For those businesses that offer services after dark, outdoor lighting may be utilized during the nighttime hours, provided the business is open for service. Once the business closes, the outdoor lighting must be turned off 1 hour after closing except for security lighting.

(f) Symbols, statues, sculptures, and integrated architectural features on buildings in business, mixed use, industrial, or non-residential uses in residential zoning districts may be illuminated by floodlights, provided the direct source of light is not visible from the public right-of-way or the adjacent residential district.

(g) Light sources, either pole mounted or wall mounted, located in the front or side yards, or other areas visible from public street, shall be a decorative design that blends with the architectural design of the building.

(h) Energy requirement. All new light fixtures must use LED technology unless otherwise approved by the City Council.

**(3) Additional performance standards for NC, B-1, B-2, B-3, BP, I Districts.**

**(a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.**

**(b) Shoe-box style lighting shall only be permitted in parking areas.**



**(c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.**

**(d) Lighting fixtures shall be compatible with the architecture of the building.**

**(e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.**

**(4) Additional performance standards for MU-1 and MU-2 Zoning Districts.**

**(a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.**

**(b) Shoe-box style lighting shall only be permitted in parking areas.**

**(c) Lighting fixtures shall be compatible with the architecture of the building.**

**(d) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.**

(5) Outdoor recreation. Outdoor recreational uses, such as, but not limited to, baseball fields, football fields, tennis courts, and snow skiing areas have special requirements for nighttime lighting as follows.

(a) No outdoor recreation facility, whether public or private, shall be illuminated after 11:00 p.m. unless the lighting fixtures conform to this chapter.

(b) Off-street parking areas for outdoor recreation uses which are illuminated shall meet the requirements stated in division (B)(2).

(F) Prohibitions. The following outdoor light fixtures are prohibited within the city:

(1) Search lights;

(2) Flashing lights.

(G) Submission of plans. The applicant for any permit requiring outdoor lighting must submit evidence that the proposed outdoor lighting will comply with this chapter. The submission shall contain the following in addition to other required data for the specific permit:

(1) Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

(2) Descriptions of illuminating devices, fixtures, lamps, supports, reflectors, and other devices which may include, but are not limited to, catalog cuts by manufacturers and drawings (including sections where required);

(3) Photometric data, such as that furnished by manufacturers, or similar, showing the angle of the cutoff or light emissions.

CITY OF FOREST LAKE  
WASHINGTON COUNTY, MINNESOTA  
ORDINANCE NO. XXX

AN ORDINANCE AMENDING TITLE XV, CHAPTER 153, SECTION 153.074, 153.080,  
153.084, 153.085, AND 153.130, PERTAINING TO LIGHTING REGULATIONS

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THE CITY COUNCIL OF THE CITY OF FOREST LAKE ORDAINS AS FOLLOWS:

**Section 1. Amendment.** Title XV, Chapter 153, Section 153.074 MINIMUM STANDARDS FOR DESIGN: APPLICABLE TO ALL COMMERCIAL/BUSINESS DISTRICTS (NC, B-1, B-2) of the Forest Lake City Code is hereby amended by adding **Bold and underline** are proposed additions to the code and deleting the ~~strikeout~~ language as follows:

(3) Lighting. **The NC District must follow** ~~In addition to the lighting requirements presented in § 153.130, the City's lighting ordinance.,~~ lighting in the NC District shall be subject to the following regulations:

- ~~— (a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~
- ~~— (b) Shoe box style lighting shall only be permitted in parking areas.~~
- ~~— (c) Decorative lighting appropriate to this district is illustrated in the Commercial Design Manual.~~
- ~~— (d) Lighting fixtures shall be compatible with the architecture of the building.~~
- ~~— (e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

(4) Lighting. **The B-1 District must follow** ~~In addition to the lighting requirements presented in § 153.130, the City's lighting ordinance.,~~ lighting in the B-1 District shall be subject to the following regulations:

- ~~— (a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~
- ~~— (b) Shoe box style lighting shall only be permitted in parking areas.~~
- ~~— (c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.~~
- ~~— (d) Lighting fixtures shall be compatible with the architecture of the building.~~
- ~~— (e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

(2) Lighting. **The B-3 District must follow** ~~In addition to the lighting requirements presented in § 153.130, the City's lighting ordinance.,~~ lighting in the B-3 District shall be subject to the following regulations:

- ~~— (a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~

- ~~— (b) Shoe box style lighting shall only be permitted in parking areas.~~
- ~~— (c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.~~
- ~~— (d) Lighting fixtures shall be compatible with the architecture of the building.~~
- ~~— (e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

**Section 2. Amendment.** Title XV, Chapter 153, Section 153.080 MINIMUM STANDARDS FOR DESIGN: APPLICABLE TO ALL INDUSTRIAL DISTRICTS (I, BP) AND THE B-3 DISTRICT. of the Forest Lake City Code is hereby amended by adding **Bold and underline** are proposed additions to the code and deleting the ~~-strikeout~~ language as follows:

(2) Lighting. **The I District must follow** In addition to the lighting requirements presented in § 153.130, **the City's lighting ordinance.** lighting in the I and B-3 Districts shall be subject to the following regulations:

- ~~— (a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~
- ~~— (b) Shoe box style lighting shall only be permitted in parking areas.~~
- ~~— (c) Decorative poles and fixtures shall be consistent with the Forest Lake Design Requirement Manual.~~
- ~~— (d) Lighting fixtures shall be compatible with the architecture of the building.~~
- ~~— (e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

(4) Lighting. **The BP District shall be subject to** In addition to the lighting requirements presented in § 153.130, **the City's lighting ordinance.** lighting in the BP District shall be subject to the following regulations:

- ~~— (a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~
- ~~— (b) Shoe box style lighting shall only be permitted in parking areas.~~
- ~~— (c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.~~
- ~~— (d) Lighting fixtures shall be compatible with the architecture of the building.~~
- ~~— (e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

**Section 3. Amendment.** Title XV, Chapter 153, Section 153.084 DOWNTOWN MIXED USE (MU-1) DISTRICT of the Forest Lake City Code is hereby amended by adding **Bold and underline** are proposed additions to the code and deleting the ~~-strikeout~~ language as follows:



(N) Lighting. In addition to the lighting requirements presented in § 153.130 the City's lighting ordinance, lighting in the Downtown Mixed Use District shall be used to increase visibility, security, and aesthetic appeal of nighttime landscapes. Light fixtures will be used to unify the downtown area.

- (1) ~~Lighting fixtures shall be compatible with the architecture of the building.~~
- (2) ~~Shoe box style lighting shall only be permitted in parking areas (private).~~
- (3) ~~Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

**Section 4. Amendment.** Title XV, Chapter 153, Section 153.085 GENERAL MIXED USE (MU-2) DISTRICT of the Forest Lake City Code is hereby amended by adding **Bold and underline** are proposed additions to the code and deleting the ~~strikeout~~ language as follows:

(N) Lighting. **The MU 2 District shall follow** In addition to the lighting requirements presented in the City's lighting ordinance, § 153.130, lighting in the MU-2 District shall also be subject to the following requirements:

- (1) ~~Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.~~
- (2) ~~Shoe box style lighting shall only be permitted in parking areas.~~
- (3) ~~Lighting fixtures shall be compatible with the architecture of the building.~~
- (4) ~~Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.~~

**Section 5. Amendment.** Title XV, Chapter 153, Section 153.130 LIGHTING REGULATIONS of the Forest Lake City Code is hereby amended by adding **Bold and underline** are proposed additions to the code and deleting the ~~strikeout~~ language as follows:

(A) Purpose. The purpose of this section is to create standards for outdoor lighting so that it does not interfere with the reasonable use and enjoyment of property within the city and with astronomical observations. It is the intent of this chapter to encourage, through regulation of types, kind, construction, installations, and use of outdoor electrically powered illuminating devices, lighting practices and systems which will reduce light pollution while increasing nighttime safety, utility, security, and productivity.

(B) Exemptions. The standards of this section shall not apply to the following.

- (1) Temporary holiday lighting. This chapter does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
- (2) Civic event lighting. This chapter does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
- (3) Airport lighting. Required for the safe operation of airplanes.
- (4) Emergency lighting. By police, fire, and rescue authorities.

(C) Nonconforming uses.

(1) All outdoor lighting fixtures lawfully existing and legally installed prior to the effective date of this section are exempt from the regulations contained in this section.

(2) Whenever an outdoor light fixture that was existing on the effective date of this chapter is replaced by a new outdoor light fixture, the new fixture must meet the standards of this chapter.

(D) Method of measuring light intensity. The footcandle level of a light source shall be taken after dark with the light meter held 6 inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the 2 readings will be identified as the illumination intensity.

(E) Performance standards.

(1) Residential/agricultural district standards. In all residential/agriculture districts any lighting used to illuminate an off-street parking area or other structure or area shall be arranged to deflect light away from any adjoining residential property or from the public street.

(a) Shielding. The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity as defined below in division (E)(2) below. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.

(b) Intensity. No light source or combination thereof which cast light on a public street shall exceed 1 footcandle meter reading as measured from the centerline of the street, nor shall any light source or combination thereof which casts light on adjacent property exceed 0.4 footcandles as measured at the property line.

(2) Business, commercial, mixed use, industrial districts and non-residential uses in residential districts. Any lighting used to illuminate an off-street parking area or other structure or area shall be arranged to deflect light away from any adjoining property or from the public street.

(a) Shielding. The luminaire shall contain a cutoff that directs and cuts off the light at an angle of 90 degrees or less.

(b) Intensity. No light source or combination thereof which cast light on a public street shall exceed 1 footcandle meter reading as measured from the centerline of the street, nor shall any light source or combination thereof which cast light on adjacent property exceed 0.4 footcandles as measured at the property line.

(c) Height. The maximum height above the ground grade permitted for light sources mounted on a pole is 25 feet except by conditional use permit (CUP). A light source mounted on a building shall not exceed the height of the building, and no light sources shall be located on the roof unless the light enhances the architectural features of the building and is approved by the Zoning Administrator.

(d) Location. The light source of an outdoor light fixture shall be set back a minimum of 5 feet from a street right-of-way and 5 feet from an interior side or rear lot line.

(e) Hours. The use of outdoor lighting for parking lots serving commercial and industrial businesses is restricted according to the following. Outdoor lighting that serves businesses that do not operate after dark must be turned off 1 hour after closing except for approved security

lighting. For those businesses that offer services after dark, outdoor lighting may be utilized during the nighttime hours, provided the business is open for service. Once the business closes, the outdoor lighting must be turned off 1 hour after closing except for security lighting.

(f) Symbols, statues, sculptures, and integrated architectural features on buildings in business, mixed use, industrial, or non-residential uses in residential zoning districts may be illuminated by floodlights, provided the direct source of light is not visible from the public right-of-way or the adjacent residential district.

(g) Light sources, either pole mounted or wall mounted, located in the front or side yards, or other areas visible from public street, shall be a decorative design that blends with the architectural design of the building.

(h) Energy requirement. All new light fixtures must use LED technology unless otherwise approved by the City Council.

### **(3) Additional performance standards for NC, B-1, B-2, B-3, BP, I Zoning Districts.**

**(a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.**

**(b) Shoe-box style lighting shall only be permitted in parking areas.**

**(c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.**

**(d) Lighting fixtures shall be compatible with the architecture of the building.**

**(e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.**

### **(4) Additional performance standards for MU-1 and MU-2 Zoning Districts.**

**(a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas with the exception of parking areas.**

**(b) Shoe-box style lighting shall only be permitted in parking areas.**

**(c) Lighting fixtures shall be compatible with the architecture of the building.**

**(d) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.**

(5) Outdoor recreation. Outdoor recreational uses, such as, but not limited to, baseball fields, football fields, tennis courts, and snow skiing areas have special requirements for nighttime lighting as follows.

(a) No outdoor recreation facility, whether public or private, shall be illuminated after 11:00 p.m. unless the lighting fixtures conform to this chapter.

(b) Off-street parking areas for outdoor recreation uses which are illuminated shall meet the requirements stated in division (B)(2).

(F) Prohibitions. The following outdoor light fixtures are prohibited within the city:

- (1) Search lights;
- (2) Flashing lights.

(G) Submission of plans. The applicant for any permit requiring outdoor lighting must submit evidence that the proposed outdoor lighting will comply with this chapter. The submission shall contain the following in addition to other required data for the specific permit:

- (1) Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
- (2) Descriptions of illuminating devices, fixtures, lamps, supports, reflectors, and other devices which may include, but are not limited to, catalog cuts by manufacturers and drawings (including sections where required);
- (3) Photometric data, such as that furnished by manufacturers, or similar, showing the angle of the cutoff or light emissions.

**Section 6. Summary Publication.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the City Council approves the following summary and the City shall publish the summary in lieu of publishing the entire ordinance:

This is an amendment to the Minimum Standards for Design and Lighting Regulations.

**Section 7. Effective Date.** This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY OF FOREST LAKE**

By: \_\_\_\_\_  
Blake Roberts  
Its: Mayor

Attested:

By: \_\_\_\_\_  
Jolleen Chaika  
Its: City Clerk

(Published in the *Forest Lake Times* on \_\_\_\_\_, 2025)