

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

ORDINANCE NO. 759

THE CITY COUNCIL OF THE CITY OF CHANHASSEN, MINNESOTA, ORDAINS:

SECTION 1: AMENDMENT to Chanhassen City Code, Chapter 1, Definitions and Chapter 20, Zoning of the Chanhassen City Code Related to sign ordinance.

A M E N D M E N T

Sec 1-2 Rules Of Construction And Definitions

In the construction of this Code and of all ordinances, the rules and definitions set out in this section shall be observed unless such construction would be inconsistent with the manifest intent of the city council. The rules of construction and definitions set out herein, shall not be applied to any section of this Code which shall contain any express provision excluding such construction or where the subject matter of the context of such section may be repugnant thereto. Numbers in parentheses following a definition represent specific chapters of the Code in which a definition applies.

General. Words and phrases defined in this section have, when used in this chapter, the meanings given below. Any other word or phrase used in this chapter, and defined in regulations of the Minnesota Pollution Control Agency Noise Pollution Control Rules Chapter 7030, has the meaning given in those regulations.

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the city council may be fully carried out. In the interpretation and application of any provision of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Abandoned vehicle means a vehicle, as defined below, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or does not have a current license, or has remained for a period of more than 48 hours on private property without consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. "Abandoned vehicle" also means a motor vehicle voluntarily surrendered by its owner to the city. A classic car or pioneer car, as defined in M.S. § 168.10, shall not be considered an abandoned vehicle. Vehicles on the premises of junkyards and automobile graveyards, which are defined, maintained and licensed in accordance with M.S. § 161.242, or which are licensed and maintained in accordance with local laws and

zoning regulations, are not abandoned vehicles. (13)

Abnormal or excessive noise shall mean: (a) distinct and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value; (b) noise in excess of that permitted by M.S. § 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order; or (c) noise in excess of that permitted by M.S. § 169.693 and Minnesota Rules parts 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time, which establish motor vehicle noise standards. (13)

Accessory structure or facility, water-oriented. See *Water-oriented accessory structure or facility*.

Accessory use or structure means a use or structure subordinate to and serving the principal use or structure on the same lot and clearly and customarily incidental thereto. Accessory agricultural buildings include structures such as barns and silos. (20)

Administrative wetland permit means authorization to perform an activity that is classified as a wetland management activity. Securing an administrative wetland permit does not exempt the permittee from obtaining any and all other necessary permits (e.g., United States Army Corps of Engineers, Minnesota Pollution Control Agency). (20)

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas". See *Sexually oriented business*. (10)

Adult bookstore, adult video store, or adult store means a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

- (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (b) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities." Also see *Sexually oriented business*. (10)

Adult cabaret means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (a) Persons who appear in a state of nudity; or
- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (c) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities"

or "specified anatomical areas". See *Sexually oriented business*. (10)

Adult day care means a program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining or improving the participants' capabilities for self-care. Adult day care does not include programs where adults gather or congregate primarily for purposes of socialization, education, supervision, caregiver respite, religious expression, exercise, or nutritious meals.

Adult massage parlor means a massage parlor which excludes minors by reason of age, or which provides, for any form of consideration, the rubbing, stroking, kneading, tapping or rolling of the body, if the service provided by the massage parlor is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas". Also see *Sexually oriented business*. (10)

Adult motel means a hotel, motel or similar commercial establishment which:

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

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". Also see *Sexually oriented business*. (10)

Adult theater means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities". Also see *Sexually oriented business*. (10)

Advertising sign. See *Sign, advertising*.

Aerosol paint container means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property. (13)

Agriculture means the commercial use of land for raising of livestock and poultry, growing and producing of fruits, vegetables, field crops and nursery stock, including tree farms and choose-and-cut Christmas tree sales. The term does not include the commercial raising of fur-bearing animals, nor the operation of riding academies, commercial stables or kennels. (20)

Agritourism means activities carried out on a farm that allows organizations or members of the general public, for recreational, entertainment, or educational purposes, to view, enjoy, or participate in rural activities regardless of compensation.

- (a) Uses include corn/bean mazes, hay rides, pumpkin picking, harvest-your-own produce, corn pits, hill slides, pumpkin throwers/cannons, lookout towers, zip lines, straw bale mazes, apple picking, play structures, antique tractors displays, saw mill demonstrations, agricultural demonstrations, hay stacks, kiddie trains, sleigh rides, snowshoeing, maple syrup harvesting, cross country skiing, animal walks, animal rides, farm implement games, sledding hills, axe throwing, outdoor music, archery.

Air circulation device means a mechanism designed and used for the controlled flow of air used in ventilation, cooling, heating or conditioning, but not limited to, central and window air conditioning units.

Alarm system means any equipment or device which emits an audible, visual, or electric signal upon the detection of a potential burglary, robbery, fire, medical emergency, trespass or property intrusion. "Alarm system" does not include anti-theft or tampering alarms installed in any motor vehicle. "Alarm system" does not include smoke detectors which emit only an audible alarm signal and which are installed within individual dwelling units. (3)

Alarm user means any person in control of any building, structure, facility or tract of land wherein or whereon an alarm system is used or maintained within the city. (3)

Alarm, false. See *False alarm*.

Alley means a public right-of-way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street. (18) (20)

Alteration means any change or rearrangement, other than incidental repairs, in the supporting members of an existing building, such as bearing walls, columns beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. (20)

Alternate system shall mean an individual sewage treatment system employing methods and devices presented in Minnesota Rules Chapter 7080.0172. (19)

Anatomical areas, specified. See *Specified anatomical areas*.

Animal feedlot means land or buildings used for the confined feeding, breeding, raising or holding of livestock and poultry where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures are not considered animal feedlots. (20)

Animal, dangerous. See *Dangerous animal*.

Antenna means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes and satellite dishes; and omni directional antennas, such as whip antennas. (20)

Applicable laws means any law, statute, charter, ordinance, rule, regulation, code, license, certificate, franchise, permit, writ, ruling, award, executive order, directive, requirement, injunction (whether temporary, preliminary or permanent), judgment, decree or other order issued, executed, entered or deemed applicable by any governmental authority. (7.5)

Approved. Approved by the code official. (7)

Approved firearms safety course means a program of instruction in the safe and proficient use of any firearm which is sponsored:

- (a) By any accredited private or public school system; or
- (b) By the commissioner of natural resources, pursuant to M.S. § 97B.015, subd. 1.

Arboretum means a place where plants, trees, and shrubs are cultivated for scientific and educational purposes. (20)

Area, buildable. See *Buildable area*.

Area, lot. See *Lot area*.

Arterial street. See *Street, arterial*.

Association, homeowner. See *Homeowner association*.

At large means off the premises of the owner and not under restraint. (5)

Attached structure. See *Structure, attached*.

Authority means the city or its agent or designee. (19)

Authority, delegation of. See *Delegation of authority*.

Authority, joint. See *Joint authority*.

Authority, platting. See *Platting authority*.

Automobile means a self-propelled, free moving vehicle with four wheels used to transport not more than seven passengers and licensed by the appropriate agency as a passenger vehicle. (20)

Automotive dealer means establishments primarily engaged in the retail sale of new automobiles or new and used automobiles, including trucks, boats and recreational vehicles. (20)

Automotive repair/body shop means an establishment engaged in performing major repairs and service to passenger automobiles, trucks, vans and motorcycles. Major repair may include all activities of repair or servicing allowed in a minor automobile repair establishment as well as major engine and transmission repair and replacement. Minor repairs may include emissions testing and car wash. Minor repair may include muffler replacement, oil and fluid changing and lubrication, tire repair and replacement, wheel alignment, brake repair, suspension repair, minor engine and transmission repair, flushing of radiators, servicing of air conditioners, and similar minor repairs and service. The rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, painting, rust-proofing, or other similar activity is not considered major vehicle repair and is defined separately. (20)

Awning sign. See *Sign, awning*.

Backstop, suitable. See *Suitable backstop*.

Balcony means a platform, minimum of 7½ feet above the ground, that projects from the wall of a building and is surrounded by an open railing. (20)

Banner sign. See *Sign, banner*.

Base flood elevation means the elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

Basement. That portion of a building which is partly or completely below grade. (7)

Basic cable service means any service tier which includes the retransmission of local television broadcast signals. Basic cable service as defined herein shall not be inconsistent with 47 USC § 543(b)(7) (1993). (7.5)

Bathroom. A room containing plumbing fixtures including a bathtub or shower. (7)

Beach lot, recreational. See *Recreational beach lot*.

Bed and breakfast means an owner-occupied single-family home in which not more than five rooms are rented on a nightly basis for a period of seven or less consecutive days by the same person. Meals may or may not be provided to residents and overnight guests. (20)

Bedroom. Any room or space used or intended to be used for sleeping purposes.

Best available control technology (BACT) means the utilization of those technologies, processes, procedures, or operating methods or alterations by an industry or other source which results in the elimination or the maximum achievable reduction of odor pollution from an odor emission point source. (20)

Biochemical oxygen demand (BOD5) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed in milligrams per liter, as prescribed in *Standard Methods*,

current edition. (19)

Birds of prey means birds that hunt for food primarily on the wing, using their keen senses, especially vision. Their talons and beaks tend to be relatively large, powerful and adapted for tearing and/or piercing flesh.

Block means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a waterway or any other barrier to the continuity of development. (20)

Bluff means a natural topographic feature such as a hill, cliff or embankment having the following characteristics:

- (a) The slope rises at least 25 feet above the toe of the bluff; and
- (b) The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater; and
- (c) An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff. (20)

Bluff impact zone means a bluff and land located within 20 feet from the top of a bluff. (20)

Bluff, side of means a point at which both conditions for a "bluff" no longer exist. The side of the bluff is delineated by a line connecting the top and toe of a bluff at a location in which the slope of the bluff is less than 30 percent or the change in elevation becomes smaller than 25 feet. (20)

Bluff, toe of means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from flatter to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent. (20)

Bluff, top of means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent. (20)

Boarder means an individual other than a member of the family occupying the dwelling unit or part thereof who for a consideration is furnished meals or other services. (20)

Boardinghouse means a dwelling or part thereof in which lodging is provided by the owner or operator to three or more boarders. (20)

Boardwalk means a linear structure extending across wetlands or lakes that is not supported by posts or poles, but floats or rests upon floats without causing detrimental impacts to the wetland or lake. (20)

Boat trailer means any device used to transport any watercraft when pulled behind any motor

vehicle. (12)

Boathouse means a structure designed and used solely for the storage of boats or boating equipment. (20)

Boulevard means that portion of the street right-of-way between the curb line and the street boundary line. (12) (18) (20)

Brake, engine retarding. See *Engine retarding brake*.

Brew pub is a brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in M.S. § 340A.24, subd. 2.

Brewer is a person who manufactures malt liquor for sale.

Brewery is a location where malt liquor is manufactured for sale.

Broad-tipped marker means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth of an inch, containing ink or other pigmented liquid that is not water soluble. See *Graffiti implement*. (13)

Buffer strip means an area of nondisturbed groundcover abutting a wetland left undisturbed to filter sediment, materials and chemicals. (20)

Buildable area means the area of a lot remaining after the minimum yard and open space requirements of chapter 20 have been met. (20)

Buildable land means all land except wetlands and public waters, and land dedicated for local, county and state roads. (18)

Building, conforming. See *Conforming building or structure*.

Building coverage means the horizontal area from the outside edge of the exterior walls of the ground floor of all principal and accessory buildings on a lot. (20)

Building drain means that part of the horizontal piping of a building drainage system with receives the discharge from all other soil, waste and drainage pipes inside the walls of any building and conveys the same to the building sewer. (19)

Building height means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest of the highest gable of a pitched or hipped roof. (20)

Building line means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend. (20)

Building, principal means a building in which is conducted the primary or predominant use of the lot. (20)

Building setback line means a line on a lot, generally parallel to a lot line, high water mark, shoreline or roadway right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by chapter 20. The building setback lines delimit the area in which buildings and other regulated structures are permitted subject to all applicable provisions of chapter 20. (20)

Building sewer. See *Sewer, building.*

Building, storage. See *Storage building.*

Bulletin board sign. See *Sign, bulletin board.*

Business directory sign. See *Sign, business directory.*

Business hours, normal. See *Normal business hours.*

Business sign. See *Sign, business.*

Cable Act means the Cable Communications Policy Act of 1984, Pub. L. No. 98-549, 98 Stat. 2779 (1984) (codified at 47 USC §§ 521-611 (1982 and Supp. V 1987)) as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385; and the Telecommunications Act of 1996, Pub. L. No. 104-458 and as the same may, from time to time, be amended. (7.5)

Cable service means:

- (a) The one-way transmission to subscribers of: (i) video programming; or (ii) other programming service; and
- (b) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service. (7.5)

Cable service, basic. See *Basic cable service.*

Cable television system, or cable system means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include:

- (a) A facility that serves only to retransmit the television signals of one or more television broadcast stations;
- (b) A facility that serves subscribers without using any public rights-of-way;
- (c) A facility of a common carrier which is subject, in whole or in part, to the provisions of 47 USC §§ 201—226, except that such facility shall be considered a cable system (other than for purposes of 47 USC § 541) to the extent such facility is used in the

transmission of video programming directly to subscribers; unless the extent of such use is solely to provide interactive on-demand services;

- (d) An open video system that complies with section 653 of the Cable Act; or
 - (e) Any facilities of any electric utility used solely for operating its electric utility system.
- (7.5)

Caliper, tree. See *Tree caliper*.

Campaign sign. See *Sign, campaign*.

Candela (symbol: *cd*) is the International System (SI) base unit of luminous intensity (that is, power emitted by a light source in a particular direction, with wavelengths weighted by the luminosity function, a standardized model of the sensitivity of the human eye). (20)

Cannabis: Any species of the genus cannabis plant, or any mixture or preparation of them including whole plant extracts and resins.

Cannabis Business. A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis manufacturer, dispensary, cannabis wholesaler, cannabis transporter, cannabis testing facility, cannabis delivery services, or medical cannabis combination business licensed, or any use otherwise authorized, under Minnesota Statutes, Chapter 342.

Cannabis Cultivation: A cannabis business licensed for planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts by a business licensed or authorized to cultivate cannabis or medical cannabis pursuant to Minnesota Statutes, Chapter 342.

Cannabis Distribution Facility: Any building, structure, vehicle or grounds where the storage or distribution (including either retail or wholesale distribution) of cannabis is performed.

Cannabis Delivery Service: A person or entity licensed or otherwise authorized to purchase cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from licensed cannabis microbusinesses with a retail endorsement, cannabis mezzobusinesses with a retail endorsement, dispensaries, medical cannabis dispensaries, and medical cannabis combination businesses; transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers; and perform other actions pursuant to Minnesota Statutes, Chapter 342.

Cannabis Laboratory: Any permanent or temporary building or structure; any mobile structure or vehicle; corporation; or other entity that examines, analyzes or tests samples of cannabis and is licensed by the State of Minnesota to do so.

Cannabis Manufacturing or Manufacturer: The process of converting or packaging harvested cannabis plant material into medical or recreational cannabis.

Cannabis Mezzobusiness: A person or entity licensed to cultivate, manufacture, and sell

products containing cannabis and related supplies and products and perform other actions authorized under a cannabis mezzobusiness license pursuant to Minnesota Statutes, Chapter 342.

Cannabis Microbusiness: A person or entity licensed to cultivate, manufacture, and sell products containing cannabis and related supplies and products and perform other actions authorized under a cannabis microbusiness license pursuant to Minnesota Statutes, Chapter 342.

Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

Cannabis Retail Businesses: A state licensed retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp edible retailers, pursuant to Minnesota Statutes, Chapter 342.

Cannabis Testing Facility: A facility licensed to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis cultivators, medical cannabis processors, medical cannabis combination businesses, and industrial hemp growers pursuant to Minnesota Statutes, Chapter 342.

Cannabis Transporter: An entity licensed or otherwise authorized to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp derived consumer products from a cannabis business to a cannabis business pursuant to Minnesota Statutes, Chapter 342.

Cannabis or Lower-Potency Hemp Edible Manufacturing: An entity licensed or otherwise authorized for the creation of cannabis concentrate and manufacture of cannabis products and hemp-derived consumer products for public consumption pursuant to Minnesota Statutes, Chapter 342, an entity licensed or authorized to purchase hemp and artificially derived cannabinoids to make hemp concentrate; manufacture artificially derived cannabinoids and hemp edibles for public consumption; package and label lower-potency hemp edibles for sale to customers; sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp edibles to other cannabis businesses and hemp businesses; and perform other actions pursuant to Minnesota Statutes, Chapter 342, or an entity in possession of a medical cannabis processor license pursuant to Minnesota Statutes, Chapter 342.

Cannabis Wholesaler: An entity licensed or authorized to obtain, store, and sell or otherwise transfer cannabis or hemp seeds, plants, flower, or other products for the purpose of resale or other transfer to a cannabis business, but not to consumers, pursuant to Minnesota Statutes, Chapter 342.

Canopy coverage shall mean the area on a horizontal plane that is located under the crowns of all the trees on the site. (20)

Canopy sign. See *Sign, canopy*.

Carry means the handling or transportation of a firearm concealed or otherwise outside a person's domicile. (11)

Certificate of compliance shall mean a document written after a compliance inspection, certifying that a system is in compliance as specified in Minnesota Rules Chapter 7080.0060, and this article. A qualified employee or licensee must sign the document. (19)

Changeable copy sign. See *Sign, changeable copy*.

Channel or *cable channel* means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel as defined by the Federal Communications Commission. (7.5)

Chicken or *domesticated chicken* means a subspecies of the species *Gallus domesticus*.

Church means a building or edifice consecrated to religious worship, where people join together in some form of public worship under the aegis and direction of a person who is authorized under the laws of the State of Minnesota to solemnize marriages. A church may include living quarters for persons employed on the premises and classroom facilities. The following are not considered as churches: camp meeting grounds, mikvahs, coffee houses, recreational complexes, retreat homes, sleeping quarters for retreatants during spiritual retreats extending for periods of more than one day. Bible camps with live-in quarters, publishing establishments, ritual slaughterhouses, radio or television towers and transmission facilities, theological seminaries, day care centers, adult day care, hospitals, and drug treatment centers are not churches. (10) (20)

City. The word "city" means the City of Chanhassen, Carver and Hennepin Counties, Minnesota. (1) (19)

City clerk. References to the "city clerk" or "clerk" are to the city clerk/manager. (1)

City council or *council.* The words "city council" or "council" mean the City Council of Chanhassen, Minnesota. (1)

City engineer. References to the city engineer, director of public works or public works director are to the director of public works/city engineer.

City manager means the City Manager of the City of Chanhassen. References to the "city manager" or "manager" are to the city clerk/manager. (1) (10)

City wetland inventory means the official city wetland inventory map depicting the approximate location and extent of wetlands within Chanhassen. A copy of this map shall be

maintained on the city's GIS database, with both hard and electronic copies being made available for public review upon request. (20)

Clear-cutting means the removal of an entire stand of trees. (20)

Clearing vegetation, intensive. See *Intensive vegetation clearing*.

Clearing, vegetation. See *Vegetation clearing*.

Cluster development means a pattern of development that arranges the layout of buildings on a compact area of the site so as to reserve a portion of the site for common open space or green space that is protected in perpetuity.

Cocktail room is a location in or adjacent to a microdistillery where the owner of the distillery sells distilled spirits produced by the distiller for consumption on the premises or for off-site consumption, as provided for in M.S. § 340A.22.

Code means the Chanhassen City Code as designated in section 1-1. (1)

Code official means the official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

Collection means the aggregation of mixed municipal solid waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility. (16)

Collector street. See *Street, collector*.

Combined sewer. See *Sewer, combined*.

Commercial establishments means any premises where a commercial, industrial or agricultural enterprise of any kind is carried on, and includes clubs, churches and schools. (16)

Commercial kennel. See *Kennel, commercial*.

Commercial Office means an establishment or place of business primarily engaged in providing services related to business needs, such as but not limited to, co-working or general office space, financial institutions, and real estate offices.

Commercial Retail means an establishment or place of business primarily engaged in selling goods or merchandise to the general public, such as, but not limited to, clothing, home goods, and specialty products.

Commercial services means an establishment or place of business primarily engaged in providing services related to personal needs, such as, but not limited to, health and recreation clubs, outpatient health services, salon/barber, massage, beauty aesthetics, dry cleaners, tattoo and piercings, and tailors. *Commercial stables.* See *Stables, commercial*.

Commercial wireless telecommunication service means licensed commercial wireless

telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public. (20)

Commingled (e.g., dumpster-type) residential collection means collection from any building consisting of more than one dwelling unit wherein each unit has an individual kitchen and wherein the mixed municipal solid waste of each unit is mixed with the waste of other units prior to the collection efforts of licensed haulers. (16)

Commissioner means the state commissioner of natural resources acting directly or through his authorized agents. (6)

Community center means a place, structure, area, or other facility used for educational, social or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community, and may have outdoor recreational facilities.

Community festival is an event held within the City that has broad community appeal and the objective of promoting a spirit of pride in the City, a sense of community and an atmosphere of celebration for all residents of the City and which has been organized by or in partnership with the City of Chanhassen.

Community sewer system. See *Sewer system, community*.

Compliance inspection shall mean any evaluation, inspection, or other process to make conclusions, recommendations or statements regarding an individual sewage treatment system to reasonably assure an individual sewage treatment system is in compliance with regulations. (19)

Compliance plan means an agreement between a significant odor generator and the city. (20)

Compliance, certificate of. See *Certificate of compliance*.

Condemn means to adjudge unfit for occupancy.

Conference/convention center means a preplanned, centrally managed development containing facilities for business or professional conferences and seminars and containing accommodations for overnight lodging, eating and recreation. The development is characterized by architecturally integrated buildings, common use of parking areas, and incorporation of passes recreational amenities into overall site design. (20)

Conforming building or structure means any building or structure which complies with all the regulations of chapter 20, or any amendment thereto. (20)

Conjunctions. "Or" may be read "and", and "and" may be read "or" if the sense requires it. (1)

Conservation easement. See *Easement, conservation*.

Construction debris means waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads. (16)

Construction sign. See *Sign, construction.*

Continuing care retirement facility means:

- (a) An establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 65 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment; or
- (b) An establishment that registers under M.S. § 144D.025.

Continuing care retirement facility does not include:

- (a) A nursing home licensed under M.S. ch. 144A;
- (b) A hospital, certified boarding care home, or supervised living facility licensed under M.S. §§ 144.50 to 144.56;
- (c) A board and lodging establishment licensed under M.S. ch. 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660, or 9530.4100 to 9530.4450, or under M.S. ch. 245B;
- (d) A board and lodging establishment which serves as a shelter for battered women or other similar purpose;
- (e) A family adult foster care home licensed by the department of human services;
- (f) Private homes in which the residents are related by kinship, law, or affinity with the providers of services;
- (g) Residential settings for persons with developmental disabilities in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140, or applicable successor rules or laws;
- (h) A home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;
- (i) A duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; or
- (j) Services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts 9525.2000 to 9525.2140 in effect until January 1, 1998, or under M.S. ch. 245B.

Contractor means:

- (a) Someone (a person or firm) who contracts to build things.

(b) (Law) a party to a contract. (17)

Contractor's yard means any area or use of land where vehicles, equipment, and/or construction materials and supplies commonly used by building, excavation, roadway construction, landscaping and similar contractors are stored or serviced. A contractor's yard includes both areas of outdoor storage and areas confined within a completely enclosed buildings used in conjunction with a contractor's business. (20)

Convenience store means a retail establishment which generally sells a limited range of food products, nonprescription drugs, candy and other perishable goods. This includes soda and similar beverage dispensing and food products, which can be heated and/or prepared on-site, and has over 400 square feet of floor area for retailing of nonautomotive goods. (20)

Convenience store with gas pumps means a retail establishment which generally sells gasoline from pump islands and a limited range of food products, nonprescription drugs, candy and other perishable goods. This includes soda and similar beverage dispensing and food products which can be heated and/or prepared on-site, and has over 400 square feet of floor area for retailing of nonautomotive goods. (20)

Cooking device means any barbeque, rotisserie, roaster, oven or similar equipment used in food preparation. (9)

Coop means the structure for the keeping or housing of chickens.

Corner lot. See *Lot, corner*.

Corporation counsel or *municipal counsel* or *city counsel* means the city attorney.

Council means the City Council of the City of Chanhassen, Minnesota. Also see *City council*.

County board shall mean the Carver or Hennepin County Board of Commissioners. (19)

County. The word "county" means Carver County or Hennepin County, or both Carver and Hennepin Counties, as appropriate. (1) (9)

Coverage, building. See *Building coverage*.

Coverage, canopy. See *Canopy coverage*.

Coverage, lot. See *Lot coverage*.

Critical facilities means facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

Critical root zone: the minimum area around the tree that must remain undisturbed. This is calculated by measuring the tree's dbh and for each inch of tree diameter, one foot of root zone radius must be protected. For example, a tree with a dbh of 10, the critical root zone of the tree is 10 feet (10" dbh x 1' root zone protection = 10 feet of root zone protection measured from the base of the tree in all directions. (20)

Cross bar means that portion of any seasonal dock or permanent dock which is approximately parallel in alignment to the abutting shoreline or abutting ordinary high water mark. See *Dock cross bar*. (6)

Cul-de-sac means a minor street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement. (18) (20)

Dangerous animal means:

- (a) Any animal with a known propensity or disposition to unprovoked attacks, to cause injury to or to otherwise endanger the safety of humans or other domestic animals.
- (b) Any animal that has attacked or bitten any person, except a person that has tormented or abused it.

Dangerous weapons mean slingshots, clubs, blackjacks, spring guns, brass or metal knuckles or any knife with a switch blade which opens automatically under spring pressure with a button or release mechanism or by any other mechanical contrivance. (11)

Day care center means any facility or home where tuition, fees or other forms of compensation is charged for the care of children and which is licensed by the state as a day care center. (20)

DBH means diameter measured at breast height (4.5 feet above the ground). (20)

Debris, construction. See *Construction debris*.

Deck means a horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site. (20)

Delegation of authority. Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise. (1)

Delineation report, wetland. See *Wetland delineation report*.

Delineation, wetland. See *Wetland delineation*.

Density, gross. See *Gross density*.

Density, net means the quotient of the total number of dwelling units divided by the

developable acreage of the site. Developable acreage excludes wetlands, lakes, roadways and other areas not suitable for building purposes.

Department of public works. The department of public works shall consist of both the public works department and engineering department.

Depth, lot. See *Lot depth*.

Designated woodland area means an area within a development that has been designated in the woodland management plan as a tree preservation, forestation or replacement planting area. (20)

Development means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining excavation, landfill or land disturbance, and any use or extension of the use of land. (20)

Development identification sign. See *Sign, development identification*.

Development, cluster. See *Cluster development*.

Development, residential. See *Residential development*.

Direct glare means an excessive brightness contrast producing a sensation of visual discomfort resulting from insufficiently shielded light source in the field of view. (13)

Directional sign. See *Sign, directional*.

Dismantled firearm means any unloaded firearm or bow which is dismantled in such a manner so as to prevent shooting.

Dispensary: An entity in possession of a cannabis retailer license or otherwise authorized to acquire, possess, transfer, sell, dispense, or distributes products containing cannabis and related supplies and products pursuant to Minnesota Statutes, Chapter 342.

Display. The term "display" means the keeping, storing, or permitting to be kept or stored of an alcoholic beverage which has been poured, dispensed or has had its package seal broken on, in, or at any table, booth, bar or other area of a licensed premises accessible to the general public, except when the alcoholic beverage is stored in a normal storage area during nonsale hours. (10)

Display area, sign. See *Sign display area*.

Disposal system (SDS) permit, state. See *State disposal system (SDS) permit*.

Distilled spirits is ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial

use.

Distiller is a person who manufactures distilled spirits for sale.

District, residential. See *Residential district*.

Diving tower means a floating or nonfloating structure designed for diving purposes and which projects over the surface or surrounding waters by more than five feet. (6)

Dock means a wharf, pier, or other structure constructed or maintained, whether floating or not, including all "L's", "T's" or posts which may be a part thereof, whether affixed or adjacent to the principal structure. (6) (20)

Dock cross bar means that portion of any dock which is approximately parallel in alignment to the adjoining shoreline or ordinary high water mark. See *Cross bar*. (20)

Dock setback zone means the area inside and running parallel to and ten feet from the extended lot lines of a lot abutting a lake. "Extended lot lines" means an extension of the side lot lines 100 feet into a lake from and at a right angle to a line drawn between the intersection of each side lot line and the ordinary high water mark. If the extended lot lines of adjoining lots overlap, then the common extended lot line between the lots shall be at an angle which equally divides the area of overlap. (6) (20)

Dock, permanent. See *Permanent dock*.

Dock, seasonal. See *Seasonal dock*.

Double frontage lot. See *Lot, double frontage*.

Drain, building. See *Building drain*.

Drive-in use means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicle. This term includes having "drive-thru" windows. (20)

Driver means every person who drives or is in physical control of a vehicle. (14)

Driveway means a private access from a street to an individual lot. (18) (20)

Drugs mean any controlled substance, as defined by M.S. ch. 152, the possession of which is a violation of M.S. § 152.021 et seq. (14)

Dwelling means a building or portion thereof designed, occupied or intended to be occupied exclusively for residential purposes, but not including hotels, motels, nursing homes, travel trailers, motorhomes or bed and breakfast tourist homes. (20)

Dwelling, Attached or Internal Accessory Dwelling Unit, means a residential dwelling unit that

is subordinate and clearly incidental to a primary structure, located on the the same lot as a single-family dwelling until, within the same building as the single-family dwelling unit with its own kitchen, living, bathroom, and sleeping area.

Dwelling, Detached Accessory Dwelling Unit, means a residential dwelling unit that is subordinate and clearly incidental to a primary structure, located on the same lot as a single-family dwelling unit, not within the same building as the single-family dwelling unit but which has its own kitchen, bathroom, living, and sleeping area.

Dwelling, manufactured, also called mobile or manufactured home, means a structure which is transportable in one or more sections on its own chassis, and which is equipped with necessary utility service connections and designed to be used for single-family occupancy with or without a permanent foundation when attached to required utilities. The terms "manufactured dwelling" or "manufactured home" does not include the term "recreational vehicle." (20)

Dwelling unit means one or more rooms which are connected together as a single unit constituting complete, separate and independent living quarters for one or more persons, physically separated from any other room or dwelling unit which may be in the same building and containing permanent cooking, eating, sleeping and sanitary facilities for the exclusive use of a single-family maintaining a household. (7) (20)

Dwelling, manufactured, also called mobile home, means a factory-built structure which is transportable in one or more sections on its own running gear or chassis, and which is equipped with necessary utility service connections and designed to be used for single-family occupancy with or without a permanent foundation. Such dwellings measure 20 feet or more in width and 40 feet or more in length, exclusive of supporting members or hitches. (20)

Dwelling, multifamily means a detached building containing three or more dwelling units. Apartment buildings, condominiums, manor homes, quad-duplexes, and cooperatively owned buildings containing three or more dwelling units are multifamily dwellings. (20)

Dwelling, residential means any single building consisting of two or less dwelling units with individual kitchen facilities for each. (16)

Dwelling, single-family means a building containing one dwelling unit.

- (a) *Dwelling, single-family attached*. A residential building containing one dwelling unit, including detached, semi-detached and attached dwellings.
- (b) *Dwelling, single-family detached*. One dwelling unit having open space on all four sides. (20)

Dwelling, townhouse means a single-family attached dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from the adjoining unit by one or more common fire-resistant walls having no openings and extending from the basement to the roof. (20)

Dwelling, townhouses, detached means a structure having the characteristics of a multiple-unit townhouse structure that has been separated into single dwelling units at the common side wall, typically with structure dimensions that have a narrow front and deep side walls and are typically without windows or features on at least one of the side walls.

Dwelling, two-family means a detached building containing two dwelling units. Two-family (attached) dwelling is a type of low density dwelling. (20)

Earth work or work the earth: Excavating, mining, filling or grading. (7)

Easement means a right afforded a person or governmental/public unit to use another's real property for a specific purpose. (18) (20)

Easement, conservation means an easement created where restrictions are imposed on the development or alteration of property to preserve natural features. (20)

Ecosystem means a community of interacting animals, plants and microorganisms and the physical and chemical environment in which they live. (20)

Educational or government access facilities or PEG access facilities, public. See *Public educational or government access facilities or PEG access facilities.*

Electric distribution substations are located above ground near to the end-users. Distribution substation transformers change the transmission or subtransmission voltage to lower levels for use by end-users.

Electrical substation means a subsidiary station in which electrical current is transformed.

Emission means a release of air contaminants causing an odor into the outdoor atmosphere. (20)

Encased firearm means any unloaded firearm or bow, placed in a case which is tied or otherwise secured in the manner provided, to prevent shooting it. (11)

Engine retarding brake shall mean a "Dynamic Brake, Jake Brake, Jacobs Brake, C-Brake, Paccar Brake, transmission brake" or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression. (13)

Enterprise means any corporation, association, firm, partnership, limited liability partnership, or other legal entity. (20)

Entertainment means an establishment that provides indoor amusement including, but not limited to, activities such as bowling, cultural facilities, musical productions, theatre, billiards, dance halls/clubs, galleries, and amusement services.

Erosion control means best management practices employed to prevent erosion including, but not limited to, soil stabilization practices, limited grading, mulch, temporary or permanent

cover, and construction phasing as defined in the MPCA general construction permit. (7) (19)

Escort means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person. (10)

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration. (10)

Establishment means and includes any of the following:

- (a) The opening or commencement of any sexually oriented business as a new business;
- (b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (c) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (d) The relocation of any sexually oriented business. (10)

Etching equipment means any tool, device or substance that can be used to make permanent marks on any natural or manmade surface. (13)

Excavation or mining means:

- (a) The removal of the natural surface of the earth, whether sod, dirt, soil, sand, gravel, stone or other matter, creating a depression.
- (b) Any area where the topsoil or overburden has been removed for the purpose of removing earthly deposits or minerals.
- (c) Any area that is being used for stockpiling, storage and processing of sand, gravel, black dirt, clay and other minerals. (7) (17)

Expansion means an increase in the floor area or volume of an existing building (including deck additions), increase in the building occupancy, capacity or parking demand or increase in the degree or intensity of the nonconforming condition of the building, land area, site or use. (20)

Experimental system shall mean any system which is considered new technology with limited data on reliability. (19)

Exterior property. The open space on the premises and on adjoining property under the control of owners or operators of such premises. (7)

Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods. (7)

Facade means that portion of any exterior elevation of a building exposed to public view extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation. (20)

Failing system shall mean a system that discharges sewage to a seepage pit, cesspool, drywell or leaching pit and any system with less than three feet of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock. In addition, any system posing an imminent threat to public health or safety shall be considered failing. (19)

Fallow land shall mean land that is uncropped and kept cultivated throughout a growing season. Vegetative cover is less than 25 percent. Any land that is uncropped and cultivated during the months of September through May where a crop will be grown the following season is not considered fallow land. (19)

False alarm means an alarm signal eliciting a response by public safety personnel when a situation requiring a response does not exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence of the owner or lessee of the alarm system or of his employees or agents. "False alarm" does not include an alarm caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or alarm user. (3)

Family means one or more persons occupying a premises and living as a single, relatively permanent housekeeping unit, as distinguished from a group occupying a boarding house or a hotel. (7) (20)

Farm means a tract of land of more than ten acres in size, usually with a house and barn, plus other buildings on which crops and often livestock are raised for a principal source of livelihood.

Farm animals means cattle, hogs, bees, sheep, goats, chickens, turkeys, horses, llama, emu, and other animals commonly accepted as farm animals in the State of Minnesota.

Farm, petting. See *Petting farm*.

Fast-food restaurant. See *Restaurant, fast-food*.

Feedlot, animal. See *Animal feedlot*. (20)

Fence means a structure serving as an enclosure, barrier or boundary, usually made of posts, chain link, masonry, boards, rails or other materials. (20)

Festive flag/banner sign. See *Sign, festive flag/banner*.

Filling or grading. To change the contour of the land.

Fire chief or fire marshal means, respectively, the fire chief or fire marshal of the city. (9)

Fire department means the city's fire department.

Firearm means any gun, pistol, rifle, shotgun, B-B gun, pellet gun, bow, or any device capable of discharging arrows, slugs, or blanks, metal projectiles or paint.

Firearm, dismantled. See *Dismantled firearm*.

Firearm, encased. See *Encased firearm*.

Firearms safety course, approved. See *Approved firearms safety course*. (11)

Flag lot. See *Lot, flag/neck*.

Flag sign. See *Sign, flag*.

Flashing sign. See *Sign, flashing*.

Flood fringe means the portion of the special flood hazard area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study for Carver County, Minnesota.

Flood, regional means a flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one percent chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study. (20)

Flood insurance rate map (FIRM) means an official map on which the federal insurance administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Floodplain means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. (20)

Flood-prone area means any land susceptible to being inundated by water from any source.

Floodproofing means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions adjoining floodplain which are reasonably required to carry or store the regional flood. (20)

Floor area means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall include basement floor area, penthouses, attic

space having headroom of seven feet or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to mechanical equipment, stairwells, elevator shafts, parking or loading shall not be included in the floor area. (20)

Floor area ratio (F.A.R.) means the numerical value obtained by dividing the floor area of all buildings on a lot by lot area. (20)

Franchise means an initial authorization, or renewal thereof, issued by the city, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the construction or operation of a cable system over publicly owned rights-of-way.

Franchise agreement means a franchise granted, containing the specific provisions of the franchise granted, including references, specifications, requirements and other related matters.

Franchise fee means any tax, fee or assessment of any kind imposed by the city or any other governmental authority on a grantee or cable subscriber, or both, solely because of their status as such. The term "franchise fee" does not include:

- (a) Any tax, fee or assessment of general applicability (including any such tax, fee or assessment imposed on both utilities and cable operators or their services, but not including a tax, fee or assessment which is unduly discriminatory against cable operators or cable subscribers);
- (b) Capital costs which are required by the franchise agreement to be incurred by the grantee for PEG access facilities;
- (c) Requirements or charges incidental to the awarding or enforcing of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties or liquidated damages; or
- (d) Any fee imposed under 17 USC.

Free choice means the horse has a free and independent opportunity to access a structure without human intervention. A horse must be able to voluntarily enter and exit said structure. (5)

Freestanding/pole/pylon sign. See *Sign, freestanding/pole/pylon*.

Front lot line. See *Lot line, front*.

Front yard. See *Yard, front*.

Frontage, lot. See *Lot frontage*.

Frontage, street. See *Street frontage*.

Furnishings, site. See *Site furnishings*.

Garage means a structure which may or may not be attached to the principal structure used primarily for the enclosure of personal vehicles. (20)

Garbage means putrescible animal, vegetable and organic wastes resulting from the handling, preparation, cooking, service and consumption of food. (7) (16) (19)

Garbage and refuse collector. See *Refuse and garbage collector*.

Garden center means a place of business where retail and wholesale products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, import most of its items sold. These items may include paints, handicrafts, nursery products and stock, fertilizers, potting soil, hardware, lawn and garden power equipment and machinery, hoes, rakes, shovels and other garden and farm tools and utensils. (20)

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males. (1)

Generator means any person who produces or causes the production of mixed municipal solid waste. (16)

GIS means geographic information system, such as ArcView. (20)

Glare means light emitting from a luminaire with an intensity great enough to reduce viewers' ability to see and, in extreme cases, causing momentary blindness. (20)

Glare, direct. See *Direct glare*.

Golf course, regulation or par-three. A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including restrooms and locker rooms. A golf course may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required use permit.

Golf driving range means an area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop, but excludes miniature golf courses and "putt-putt" courses. (20)

Government Services shall mean any department of state, federal, or municipal government that provides community services.

Governmental authority means any court or other federal, state, county, municipal or other governmental department, commission, board, agency or instrumentality.

Governmental sign. See *Sign, governmental*.

Grade means the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure or the degree of use or descent of a sloping surface, expressed

in percentage terms. (20)

Grading or filling. See Filling or grading.

Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or despite advance authorization is otherwise deemed a public nuisance by the city council. (13)

Graffiti implement means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface. (13)

Graffiti stick, paint stick. See Paint stick or graffiti stick.

Grantee means any person receiving a franchise pursuant to this division and its agents, employees, officers, designees, or any lawful successor, transferee or assignee.

Grantor or city means the City of Chanhassen, Minnesota as represented by the council or any delegate acting within the scope of its jurisdiction. The city administrator shall be responsible for the continuing administration of the franchise. Also see *Jurisdiction*.

Greenhouse means a building used for the cultivation or protection of plants, flowers, vegetables and nursery stock for subsequent sale or for seasonable enjoyment. (20)

Gross revenues means all revenue received directly or indirectly by the grantee, its affiliates, subsidiaries, parents, or any person in which grantee has a financial interest of five percent or more arising from or attributable, to the provision of cable service by the grantee within the city including, but not limited to, monthly fees charged to subscribers for basic cable service; monthly fees charged to subscribers for any optional service; monthly fees charged to subscribers for any tier of service other than basic cable service; installation, disconnection and reconnection fees; leased channel fees; converter and remote revenues; advertising revenues; and revenues from home shopping channels. Gross revenues shall be the basis for computing the franchise fees imposed. Grantee shall not be required to pay a franchise fee on gross revenues derived from any person receiving free cable service pursuant to a franchise agreement. Gross revenues shall include franchise fees collected by grantee on behalf of the city.

Gross weight means the combined weight of a vehicle and load. Where licensing provisions require that the gross weight be printed on the truck, this printed weight shall be the gross weight. (12)

Ground low profile business sign. See Sign, ground low profile business.

Group home means a state-licensed residential facility where persons reside for purposes of rehabilitation, treatment or special care. Such persons may be orphaned, suffer chemical or

emotional impairment, or suffer social maladjustment or dependency. (20)

Guardian, parent. See *Parent* or *guardian*.

Habitable space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Habitat evaluation procedures (HEP) is a species-habitat data management system for impact assessment developed by the U.S. Fish and Wildlife Service. Its purpose is to document predicted impacts to fish and wildlife from proposed land and water resource development projects. Habitat quality for selected key species is described by an index, the Habitat Suitability Index (HSI). (20)

Habitat Suitability Index (HSI) is a fish or wildlife species-specific index value rating the ability of key habitat components to supply essential life requirements for the species. Index value ranges between 0 to 1.0. (20)

Habitat units (HU). Habitat suitability (HSI) multiplied by the area of habitat being evaluated. HU's are used for comparing habitat quality from one wetland to the next or for measuring the effectiveness of mitigation. HU's integrate both quality and quantity of habitat. (20)

Hardship means the same as that term is defined in M.S. ch. 462. (20)

Health care facility means a state-certified or licensed facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions, but excluding institutions that provide healing solely by prayer. (20)

Health-related services. "Health-related services" include professional nursing services, home health aide tasks, and home care aide tasks identified in Minnesota Rules, parts 4668.0100, subparts 1 and 2; and 4668.0110, subpart 1; or the central storage of medication for residents.

Health services means establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services. (20)

Height, building. See *Building height*.

Hen means a female chicken.

Heritage Tree means any healthy deciduous or coniferous tree measuring at least 25 inches in diameter at breast height (DBH).

Historic site, significant. See *Significant historic site*.

Holiday decoration sign. See *Sign, holiday decoration*.

Home improvement trades means carpenter shops, interior decorating, painting and paper hanging shops, furniture upholstery and similar enterprises; but not including contractor's yards. (20)

Home occupation means an occupation, profession, activity or use carried out for potential gain by a resident that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. (20)

Home occupation sign. See *Sign, home occupation*.

Home, group. See *Group home*.

Home, model. See *Model home*.

Home, nursing. See *Nursing home*.

Homeowner association means any private corporation, private club, unincorporated association or nonprofit organization, which owns, leases or operates a recreational beach lot, as that term is defined in the zoning ordinance, for the purpose of providing access to any lake for its members, shareholders, owners and beneficiaries. (6)

Horse includes horses, colts, ponies, mules, burros or llamas.

Hotel means a facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreational facilities and where access to individual rooms is provided through an indoor lobby or office. (20)

House pets means animals such as dogs, cats, birds (not including pigeons, chickens, geese, turkeys or other domestic fowl), gerbils, hamsters, rabbits (including those normally sheltered outside of the principal structure), and tropical fish, that can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure that would require a building permit, excluding wild or domesticated wild animals.

Household pet means a dog or cat, regardless of weight, or an animal not exceeding 40 pounds in weight that is usually and customarily considered a pet. (20)

Housekeeping unit. A room or group of rooms forming a single habitable space equipped and

intended to be used for living, sleeping, cooking and eating which does not contain, within such unit, a toilet, lavatory and bathtub or shower. (7)

Illuminated sign. See *Sign, illuminated*.

Imminent danger. A condition which could cause serious or life-threatening injury or death at any time. (7)

Impact zone, bluff. See *Bluff impact zone*.

Impact zone, shore. See *Shore impact zone*.

Impervious surface means a surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include, but are not limited to, structures, storage areas, roads, sidewalks, patios, driveways, or parking lots made of concrete, asphalt, rock, or non-pervious pavement systems. (20)

Impoundment means the status of being in the physical custody of the police of any animal control officer of the city, including, without limitation, confinement in the city pound or in the animal control officer's vehicle. (5)

Incinerator means any device used for the destruction of refuse or waste materials by fire. (16)

Incorporation shall mean the mixing of septage with the topsoil by means such as disking, moldboard plowing or chisel plowing, to a minimum depth of six inches. (19)

Individual on-site sewer system means an alternative type sewer system for which the septic tank and drainfield are located entirely on the property being served. Also see *Individual sewage treatment system*. (19)

Individual (e.g., curbside) residential collection means collection from any building consisting of one or more dwelling units wherein each unit has an individual kitchen and wherein the mixed municipal solid waste of each unit is separately collected by licensed haulers. (16)

Individual sewage treatment system (ISTS) shall mean a sewage treatment system, or part thereof, serving a dwelling or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. (19)

Indoor area means all space between a floor and a ceiling that is bound by walls, doorways or windows, whether open or closed. A wall, for the purpose of smoking shelters, includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. (20)

Industrial heating equipment is an appliance, device or equipment used, or intended to be used, in an industrial, manufacturing or commercial occupancy for applying heat to any material being processed, but shall not include water heaters, boilers or portable equipment

used by artisans in pursuit of a trade.

Industrial, light. See *Light industrial*.

Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests. (7)

Informational sign. See *Sign, informational*.

Initial service area means the area of the city which will receive cable service initially, as set forth in any franchise agreement.

Injection shall mean the process of directing the flow of septage under the surface of the soil. Septage shall flow from the storage container or tank directly into the soil profile and shall not be spread on the soil surface. (19)

Inspector shall mean the person or persons employed or engaged by the city and assigned the responsibility for the administration and implementation of chapter 19, article IV. (19)

Installation means the connection of the system to a subscriber and the provision of cable service.

Institutional sign. See *Sign, institutional*.

Integral roof sign. See *Sign, integral roof*.

Intensive vegetation clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row or block. (20)

Interest. The term "interest" as used in this article includes any pecuniary interest in the ownership, operation, management or profits of a liquor establishment, but does not include: Bona fide loans; bona fide fixed sum rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business or selling or leasing merchandise, fixtures or supplies to such establishment; or any interest of five percent or less in any corporation holding a city liquor license. A person who receives monies, from time to time, directly or indirectly from a licensee in the absence of a bona fide consideration therefore and excluding bona fide gifts or donations, shall be deemed to have a pecuniary interest in such retail license. In determining "bona fide", the reasonable value of the goods or things received as consideration for the payment of the licensee and all other facts reasonably tending to prove or disprove the existence of any purposeful scheme or arrangement to evade any prohibitions under this article shall be considered. (10)

Interim use means a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. (20)

Interior lot. See *Lot, interior*.

Intermittent light means any artificial light which flashes, revolves or fluctuates in such a manner that the variance is easily distinguished by personal observation. (13)

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers. (1)

Junkyard means an area, lot, parcel, building or structure or part thereof where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, abandoned, baled, cleaned, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, glass, paper, rags, rubber products, tires, bottles, building materials, vehicle parts, household appliances, brush and lumber. A junkyard includes an automobile wrecking dismantling yard, but does not include accessory uses established in conjunction with a permitted manufacturing process when conducted within an enclosed area or building. The storage of unlicensed and/or inoperable motor vehicles for a period in excess of 30 days shall also be considered a junkyard. (20)

Jurisdiction means the city. Also see *Grantor* or *City*.

Kennel, commercial means any place where a person accepts dogs and cats or other domesticated animals, more than one year of age, from the general public and where such animals are kept for the purpose of selling, boarding, breeding, training, treating or grooming. (5) (20)

Kitchen. A room or an area equipped for preparing and cooking food. (7)

Labeled. Devices, equipment, appliances or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards. (7)

Lake means any body of water lying wholly or partially within the city and all parts, bays and channels thereof. Lakes shall not include streams or rivers or other manmade waterbodies such as stormwater ponds. (6)

Lakeshore site means any lot of record which abuts any body of public water. (20)

Land spreading shall mean the placement, incorporation, or injection of septage onto or beneath the soil surface. (19)

Land spreading site shall mean any land used for septage land spreading. (19)

Land, fallow. See *Fallow land*.

Land, public. See *Public land*.

Landowner means any person, group, firm or corporation owning, leasing or legally controlling any lands within the territorial limits of the city. (11)

Landscape means all forms of planting and vegetation, ground forms, rock groupings, water features and patterns, and all visible construction except buildings and site furnishings. (20)

Legionnaire's Disease. The excess fluids from cooling towers are a known cause of Legionnaire's Disease. The cooling tower fluids shall be monitored and treated so as to prevent any health disease. (7)

Let for occupancy or let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land. (7)

License means the authentic state document used to designate the numbers assigned a watercraft and to renew the same. (6)

Licensed premises. The term "licensed premises" is the premises described in the approved license application. In the case of a restaurant, club or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, "licensed premises" means the entire golf course except for areas where motor vehicles are regularly parked or operated. (10)

Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license. (10)

Light fixture, shielded. See *Shielded light fixture*.

Light industrial means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment or research activities entirely within an enclosed structure, with no outdoor storage. There shall be negligible impact upon the surrounding environment by noise, vibration, smoke, dust or pollutants. (20)

Light source means a device (such as a lamp) which provides visible energy. (13)

Light trespass means light emitted that is visible beyond the boundaries of the property on which the light source is located. (13)

Light, intermittent. See *Intermittent light*.

Line, building. See *Building line*.

Line, building setback. See *Building setback line*.

Line, lot. See *Lot line*.

Living area means the area of a dwelling including, but not limited to, bedrooms, bathrooms,

kitchens, living rooms and dining rooms, but excluding garages. (20)

Loading space means an off-street space or berth designed and used for the loading or unloading of commercial vehicles. (20)

Local street. See *Street, local*.

Loss of trees. See *Trees, loss of*.

Lot means a separate parcel, tract, or area of land undivided by any public street or approved private street, which has been established by plat, metes and bounds subdivision, or as otherwise permitted by law, and which is occupied by or intended to be developed for and occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, including such open spaces and yards as are designed and arranged or required by chapter 20 for such building, use or development. (18) (20)

Lot area means the area of a horizontal plane bounded by the front, side or rear lot lines, but not including any area occupied by the waters of lakes or rivers or by street rights-of-way. (20)

Lot coverage means that portion or percentage of a lot that is covered by impervious surfaces and pervious pavement. (20)

Lot depth means the mean horizontal distance between the front lot line and the rear lot line of a lot. The greater frontage of a corner lot is its depth, and its lesser frontage is its width. (20)

Lot frontage means the lot width measured at the front lot line. (20)

Lot line means a line of record bounding a lot which divides one lot from another lot or from a roadway right-of-way or any other public space. (20)

Lot line, front means the lot line separating a lot from a roadway right-of-way. In the case of a corner lot it shall be the lot line with the shortest dimensions on the street. (20)

Lot line, rear means the lot line which is parallel to and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front lot line. (20)

Lot line, side means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. (20)

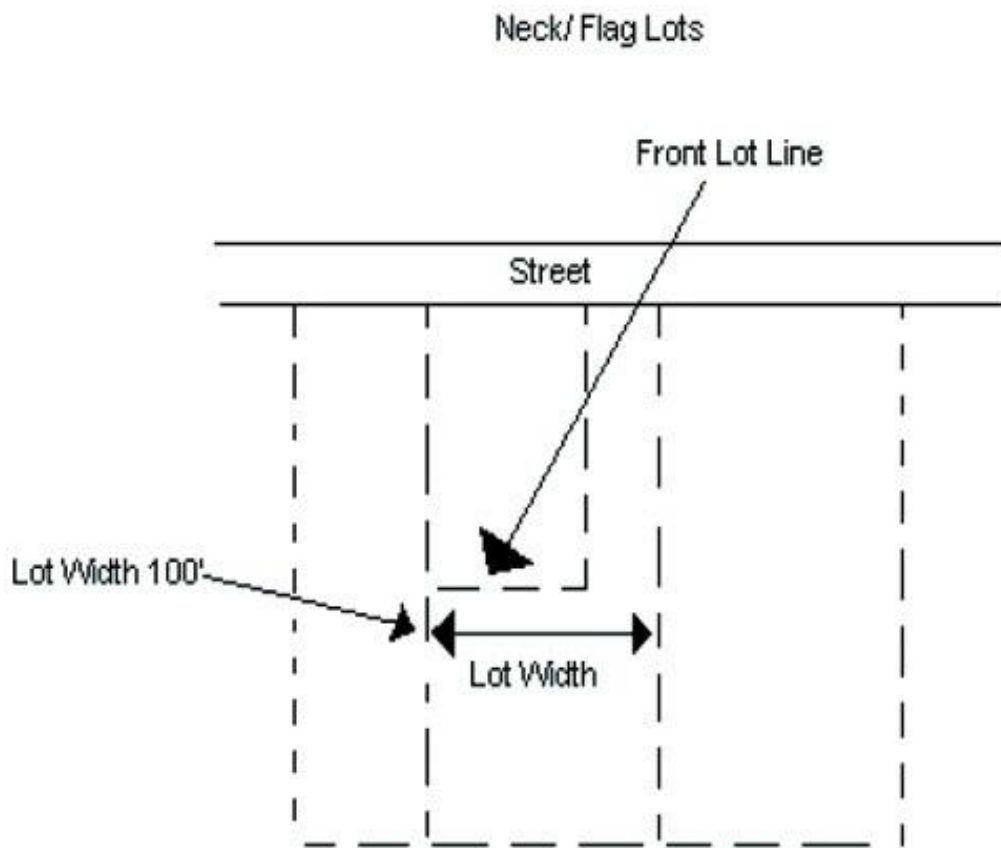
Lot of record means any legally recorded lot which at the time of its recordation complied with all applicable laws and ordinances. (20)

Lot width means the shortest distance between lot lines measured at the midpoint of the building line. (20)

Lot, corner means a lot abutting upon two or more streets at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. (20)

Lot, double frontage means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. On a double frontage lot, both street lot lines shall be deemed front lot lines.

Lot, flag/neck means a lot that does not provide the full required frontage on a public right-of-way, but rather is served by a narrow "neck" of land that extends to the street. To meet the definition, the neck must be at least 30 feet wide. The lot width on neck or flag lots and lots accessed by private streets shall be 100 feet as measured at the front building setback line. Lots of this type existing before March 26, 1990 shall be classified as neck/flag lots for the purposes of determining lot area, lot coverage, and front yard setbacks even if they do not meet the stipulated neck width. The location of flag-neck lots is conceptually illustrated below. (18) (20)



Lot, interior means a lot other than a corner lot.

Lot, nonconforming. See *Nonconforming lot*. (20)

Lot, parking. See *Parking lot*.

Lot, riparian means any lot abutting the ordinary high water mark of a lake, pond or wetland. (20)

Lot, zoning means a single tract of land which consists of one or more lots of record and which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a separate unit under single ownership or control. A zoning lot may or may not coincide with a single lot of record, but in no case shall a zoning lot include only a portion of a lot of record. (20)

Low profile business sign, ground. See *Sign, ground low profile business*.

Lower-Potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.

Lower-potency hemp edible retailer: A person or entity licensed or authorized to acquire, possess, transfer, sell, dispense, or distribute lower-potency hemp edible products and related supplies and products pursuant to Minnesota Statutes, Chapter 342.

Lowest floor means the lowest floor of the lowest enclosed area (including basement).

Malt liquor is any beer, ale or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

Manage 1 wetlands means high quality wetlands that should be protected from development and other pressures of increased use, including indirect effects of development. Maintaining natural buffers will help to retain the significant function these wetlands provide. In the event that impacts to these wetlands cannot be avoided, replacement ratios for mitigation should exceed the state required minimums. (20)

Manage 2 wetlands means wetlands that provide medium functional levels and the wetland extent should be maintained. These wetlands often provide optimal restoration opportunity. (20)

Manage 3 wetlands means wetlands that have been substantially disturbed and have the lowest functions and values. (20)

Managed natural landscape: Managed natural landscapes may include native and non-native plants and grasses in excess of eight (8) inches in height and which have gone to seed, but may not include any noxious weeds or invasive species and must be maintained so as to not include unintended vegetation. Noxious weeds shall be as defined by Minnesota Statute 18.771. (20) Invasive Species shall be as defined by Minnesota Statute Section 84D.01.

Managing Agency or Rental Agent means a person, enterprise, or agency representing the owner of the short-term home rental unit. (20)

Manufactured dwelling. See *Dwelling, manufactured*.

Manufactured home. See *Dwelling, manufactured*.

Marquee sign. See *Sign, marquee.*

May not, shall not. "May not", "shall not", and similar phrases have a mandatory negative effect and state a prohibition. (1)

May. The word "may" is to be construed as being permissive. (1)

Medical Cannabis Combination Business: An entity authorized to cultivate, manufacture, and sell cannabis, hemp, and cannabis and hemp related supplies and products, and perform other actions authorized under a medical cannabis combination license pursuant to Minnesota Statutes, Chapter 342.

Medium texture shall mean the USDA classification's sandy loam, silt, silt loam and sandy clay loam. Fine texture is USDA classification's clay loam, silty clay loam, sandy clay, silty clay and clay. (19)

Menu board sign. See *Sign, menu board.*

Merchant, transient. See *Transient merchant.*

Microdistillery is a distillery operated within the state producing premium distilled spirits in a total quantity not to exceed 40,000 proof gallons in a calendar year.

Mineral extraction. See *Excavation or mining.*

Mini-horse means a horse that is 34 inches or less in height at maturity. (5)

Mining or excavation. See *Excavation or mining.*

Mini-warehouse means a building or group of buildings in a controlled-access, screened and secured fenced compound that contains varying sizes of individual, compartmentalized and controlled-access storage spaces of varying sizes which are leased or rented on an individual basis. (20)

Minnesota Routine Assessment Method (or MnRAM) means Minnesota Routine Assessment Method for evaluating wetland functions (MnRAM Version 3.0), or future versions. (20)

Minor street means a street of limited continuity which is used primarily for access to abutting properties. (18) (20)

Mixed municipal solid waste means garbage, refuse and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but excluding, auto hulks or large auto parts, street sweepings, ash, construction debris, mining waste, sludges, household hazardous waste, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, yard waste, and other materials collected, processed and disposed of as separate waste streams. (16)

Mobile home. See *Dwelling, manufactured.*

Model home means a builder's home which remains open for a period of time designed to display the product. The home may also be used as a sales or real estate office for the development in which it is located.

Monitoring device, water. See *Water monitoring device.*

Month. The word "month" means a calendar month. (1)

Mooring means any buoy, post, boatlift, structure or device at which a watercraft may be moored which is surrounded by public waters. (6)

Mooring area means an area located upon any body of public water used for the mooring of watercraft. Docks are not considered mooring areas. (20)

Motel means a commercial establishment providing transient accommodations to the general public containing rooms having direct access to the outside without the necessity of passing through the main lobby of the building. (20)

Motion sign. See *Sign, motion.*

Motor freight terminal means a building or area in which trucks, including tractor or trailer units, are parked, stored or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment. (20)

Motor fuel and service station means a retail place of business engaged in the sale of motor vehicle fuels and services, but may also engage in supplying a limited amount of related goods. In no case shall the space for the retailing of related goods exceed 400 square feet. All services are to be performed within enclosed service bays. (20)

Motorboat means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors. (6)

MPCA means the Minnesota Pollution Control Agency.

Multifamily dwelling. See *Dwelling, multifamily.*

Multiuser tower. See *Tower, multiuser.*

Municipality means the city. Also see *City.* (9)

Must. The word "must" is to be construed as being mandatory. (1)

Nameplate sign. See *Sign, nameplate.*

Native vegetation. See *Vegetation, native.*

Natural features means any slope (12 percent slope or greater), forested areas, lakes, streams and wetlands, areas of unique vegetative cover, scenic views, natural habitat areas, or historic archeological areas, buildings or features. (20)

Natural habitat area means an area that is characterized by being primarily in a natural state, with only minor evidence of disturbance from modern human activity. Natural habitat areas may include forests, wetlands or endangered or threatened species habitat. (20)

Neck lot. See *Lot, flag/neck.*

Neighborhood commercial means a use which involves convenience grocery stores, or those uses that meet the daily needs of the residents. Buildings may be multi-tenant and shall not exceed a maximum of 20,000 square feet of building area. The districts should reflect the character of the neighborhood through design.

Net density. See *Density, net.*

Nit is defined as a unit of luminance equal to one candela per square meter (cd/m^2). It is often used to quote the brightness of computer displays, which typically have a luminance of 200 to 300 nits, and LED displays, which have a typical luminance between 1,000 nits (indoor) and 5,000 nits (outdoor). (20)

Noise, abnormal or excessive. See *Abnormal or excessive noise.*

Nonconforming lot. A lot that does not comply with the requirements of chapter 20, but which did comply with applicable ordinance requirements at the time the lot was created. (20)

Nonconforming structure. Any building or structure that does not comply with the requirements of chapter 20, but which did comply with applicable ordinance requirements at the time it was constructed or put in place. (20)

Nonconforming use. A use of land that does not comply with the requirements of chapter 20, but which did comply with applicable ordinance requirements at the time the use was established. (20)

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; however, technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. (1)

Normal business hours means those hours (8:00 a.m.—5:00 p.m. Monday—Friday) during which most similar businesses in the city are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours. (7.5)

Normal domestic strength waste means water carried domestic waste, exclusive of footing and roof drainage. Domestic waste includes, but is not limited to, liquid waste produce by bathing,

laundry, culinary operations and liquid waste from toilets and floor drain. Domestic waste contains approximately 270 mf/1 BOD5 and approximately 300 mg/1 suspended solids, consistent with that emanating from a typical household. (19)

Normal operating conditions means those service conditions which are within the control of the grantee. Those conditions which are not within the control of the grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the system. (7.5)

NPDES permit means the Minnesota Pollution Control Agency's (MPCA's) National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) permit.

Nude model studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. (10)

Nudity or state of nudity means:

- (a) The appearance of a human bare buttock, anus, male genitals, female genitals or female breast; or
- (b) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals or areola of the female breast. (10)

Nuisance means a thing, act or use of property that:

- (a) Annoys, injures or endangers the health, safety, comfort or repose of the public;
- (b) Offends public decency;
- (c) Unlawfully interference with the use of or obstructs, or tends to obstruct or render dangerous for passage a lake, stream, navigable river or public water, park, square, sidewalk, street, alley or highway;
- (d) Depreciates the value of the property of the inhabitants of the city;
- (e) In any manner renders the inhabitants of the city insecure in life or in use of property. (13)

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person or thing. A word importing the plural number only may extend and be applied to one person or thing as well as several persons or things. (1)

Nursery means an enterprise which conducts the retail and wholesale sale of plants grown on the site or imported to the site, as well as accessory items directly related to their care and maintenance. Accessory items may include fertilizer, potting soil, garden tools, seed, pesticides,

pots, and other gardening supplies. The retail sale of hardware, paint pet supplies, power equipment, and farm implements shall be prohibited. "Nursery" may include greenhouses. (20)

Nursing home means an extended or intermediate care facility licensed by the state to provide full-time convalescent or chronic care to individuals who by reason of advanced age, chronic illness or infirmity are unable to care for themselves. (20)

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear and sworn" shall be equivalent to the words "affirm" and "affirmed". (1)

Obstacle, water. See *Water obstacle*.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied. (7)

Occupant. Any individual living or sleeping in a building, or having possession of a space within a building. (7)

Odor means that which produces a response of the human sense of smell to an odorous substance. (20)

Odor generator, nonsignificant means an industry or other source which has not been designated as a significant odor generator as defined in this section. (20)

Odor generator, significant means an industry, facility or other source which has been identified by the environmental health officer as the cause of three odor alerts in a 90-day period inclusive of industries, facilities or sources previously found to be in compliance which, through changes in processes, technologies, growth, or from other causes, has begun to generate odors which result in three odor alerts in a 90-day period. (20)

Odor pollution means an odor emitted to the atmosphere by an industry or other source which is determined by the enforcement official to be the cause of an odor alert. (20)

Office means professional and business office, nonretail activity. Used for conducting the affairs of a business profession, service, industry or government. (20)

Office of Cannabis Management: State of Minnesota Office of Cannabis Management, as may be referred to as "OCM" in reference to this title.

Officer, properly designated. See *Properly designated officer*.

Officials, officers, departments, employees, boards, commissions, etc. Whenever reference is made to officials, employees, boards, commissions or other agencies of the city by title only, i.e., "mayor", "city manager", "clerk", "chief of police", etc., they shall be deemed to refer to the officials, officers, departments, employees, boards, commissions or other agencies of this city. (1)

Off-premises sign. See *Sign, off-premises*.

On-premises sign. See *Sign, on-premises*.

Open fences are decorative fences such as wrought iron fences, cement block column or rock-type posts, split rail and other open style fences. Open fences may not have more than 20 percent opacity. Picket fences and privacy type fences are not open fences.

Open flame fire means any burning of fuel, and includes any torch, flare, decorative light, fondue or other heating, burning or lighting equipment or device having an open flame. (9)

Open porch means a roofed, open area, attached to or part of, and with direct access to or from a building. An open porch may be surrounded by a railing but must not be enclosed with screen, mesh, glass or similar material. (20)

Open space, parks. See *Parks/open space*.

Openable area. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors. (7)

Operate means to navigate or otherwise use a watercraft. (6)

Operating conditions, normal. See *Normal operating conditions*.

Operating manager. The term "operating manager" as used in this article means a person designated by the license holder who works full-time at the licensed premises and is in charge of day-to-day liquor sales. (10)

Operation and maintenance means activities required to provide for the dependable and economical functioning of the treatment system, throughout the useful life of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and maintenance includes replacement. (19)

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy. (7)

Ordinance or city ordinance. The unqualified use of the term "ordinance" or "city ordinance" shall be construed to be followed by the phrase "of the City of Chanhassen, Minnesota". (1)

Ordinary high water mark for lakes and wetlands. The highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominately aquatic to predominately terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. (6) (20)

Organized race means a race sponsored and conducted by the park and recreation commission,

the chamber of commerce, Jaycees, American Legion or similar council-recognized civic groups or associations. (12)

Outdoor sales, temporary. See *Temporary outdoor sales*.

Outdoor storage means the storage of any goods, junk equipment, fuel, materials, merchandise, supplies or motor vehicles not fully enclosed in a building for more than a 24-hour period. (20)

Outlot means a platted lot that is intended as open space or for another designated use or which is reserved for future replatting before development. (20)

Outstanding wetlands means wetlands that are classified as outstanding resource value waters by the State of Minnesota. (20)

Overburden. Those materials which lie between the surface of the earth and material deposit to be extracted. (7)

Overnight means any time between the hours of 2:00 a.m. and 5:00 a.m. (6) (20)

Owner means:

- (a) In the case of a watercraft, means a person, other than a lien holder having the property in or title to a watercraft; the term includes a person entitled to the use or possession of such craft, subject to an interest in another person, reserved or created by agreement and securing payment or performance of any obligation.
- (b) In the case of a lakeshore site, means any natural person who is either the record owner of a fee simple interest, or the record owner of a contract for deed vendee's interest, or the holder of a possessory leasehold interest, in the whole of any lakeshore site, including authorized guests, and immediate family member of such person. (6)
- (c) Any person who owns, harbors or keeps or has custody of a dog or cat, or the parents or guardians of a person under 18 years of age who owns, harbors, keeps or has custody of a dog or cat. (5)
- (d) Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. (7)
- (e) The word "owner" shall, when applied to a building or land, include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Paint stick or *graffiti stick* means any device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-fourth of an inch in width. (13)

Parent or guardian means the natural or adoptive parent of a person, the legal guardian of such person, or any other person over 18 years of age who has been selected by the natural or adoptive parent or legal guardian to supervise the person under 16 years of age while the person has in his/her possession or under his/her control any firearm. (11)

Park, private means a tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc., for active and/or passive recreational purposes.

Parking lot means an approved off-street, ground level area, usually surfaced and improved, designed and intended for vehicular access to and from a parking area and for parking of motor vehicles. (20)

Parking ramp means a building, garage or structure or part thereof in which a structural level other than a slab on grade is used for parking, storage or maintenance of motor vehicles. (20)

Parks/open space shall mean parks, parkways, ice skating rink, playgrounds, public accesses, recreation fields, recreation buildings, beaches and water surrounded by parks, including, but not limited to waters adjacent to beaches, which are delineated as swimming areas by the placement of marker buoys. (14)

Pasture means a fenced area of real property for the grazing or keeping of horses, cattle, goats, or sheep. A pasture may be grassed which means that it provides sufficient and suitable vegetation for the feeding of a horse during the growing season or a "dry lot" which does not provide sufficient and suitable vegetation for the feeding of a horse. In a "dry lot" the horse must be fed to meet its minimum daily nutritional needs. (5)

Peddler means any person, firm, corporation, or other business organization that goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares, merchandise or services and offering or exposing the same for sale. (10)

Pedestrian ways. See *Sidewalk*. (18) (20)

Permanent dock means any dock other than a seasonal dock. (6)

Permission, written. See *Written permission*.

Permitted cooking device means a cooking device fueled by briquettes or electricity or a permanently mounted natural gas cooking device as described in section 9-44 of Chanhassen City Code. (9)

Permittee means any person to whom a permit issued.

Person means any human being and may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations. (1) (7) (7.5) (13) (10) (16) (19)

Person, underage. See *Underage person*.

Personal service means an establishment or place of business primarily engaged in providing individual services generally related to personal needs, such as a tailor shop. (20)

Pervious pavement allows stormwater runoff to filter through surface voids into an underlying stone reservoir where it is temporarily stored and/or infiltrated. Examples of this technology include, but are not limited to, porous pavers and permeable interlocking concrete pavers (PICP).

Petting farm means any activity whereby Shetland ponies, miniature donkeys (*Equus asinus*), miniature horses (*Equus caballus*), potbellied pigs, feeder pigs (young swine), sheep (*ovis*), pygmy goats (*capra*), milking goat, rabbits (*leporidae*), chinchillas (*Chinchilla laniger*), red foxes (*vulpes*), hedgehogs (*Erinaceus europaeus*), young cows (*bos*), geese (*anser*), ducks (*anatinae*), chickens (*Gallus gallus*), exotic white peafowl (*pavo*), red golden pheasants (*Chrysolophus pictus*), and prairie dogs (*Cynomys ludovicianus*) are exhibited, regardless of compensation. (20)

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. (19)

Photometrics means the quantitative measurement of light level and distribution. (20)

Pickup signs. See *Sign, Pickup*.

Pickup, special. See *Special pickup*.

Platting authority means the city council. (20)

Pole sign. See *Sign, freestanding/pole/pylon*.

Police agency means the Carver County Sheriff's Department or such other law enforcement agency designated by the city council to provide regular public safety services to the city. (2)

Pollution, odor. See *Odor pollution*.

Pool, swimming. See *Swimming pool*.

Porch, open. See *Open porch*.

Portable sign. See *Sign, portable*.

Power substation means a facility comprising of transmission towers, transformers, power equipment and structures necessary to house such equipment. (20)

Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

Premises means a lot, parcel, plot, tract or plat of land, easement of public way together with the building and structures thereon. (7) (20)

Premises, licensed. See *Licensed premises*.

Preserve wetlands means exceptional and highest functioning wetlands, or those sensitive wetlands receiving conveyed stormwater runoff that have yet retained a medium level of vegetative diversity/integrity. These wetlands are those that should be preserved in (or improved to) their most pristine or highest functional capacity with wide, natural buffers, in perpetuity. (20)

Primary zone means the buffer zone that directly impacts Bluff Creek and/or its tributaries. The primary zone, which is generally delineated in the Bluff Creek Watershed Natural Resources Management Plan, is intended to be preserved as permanent open space. (20)

Principal building. See *Building, principal*.

Principal structure. The main building as distinguished from an accessory building or structure. (20)

Private park. See *Park, private*.

Private sale or event sign. See *Sign, private sale or event*.

Private stables. See *Stables, private*.

Private street. See *Street, private*.

Processing means the crushing, washing, compounding or treating of rock, sand, gravel, clay, silt or other like material. (20)

Projecting sign. See *Sign, projecting*.

Properly designated officer. The term "properly designated officer" means and includes:

- (a) The city fire inspector;
- (b) The city building official; and
- (c) The health inspectors employed by Carver or Hennepin County or the state acting in the course of the scope of their employment.

Property. The word "property" includes real, personal and mixed property. (1) (10)

Property, exterior. See *Exterior property*.

Property, public. See *Public property*.

Property, semi-public. See *Semi-public property*.

Public educational or government access facilities or PEG access facilities means:

- (a) Channel capacity designated for public, educational or governmental use; and
- (b) Facilities and equipment for the use of such channel capacity. (7.5)

Public land means land owned and/or operated by a governmental unit. (20)

Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

Public property shall mean any public street, highway, school ground, playground, or other publicly owned property within the city except parks and lakes. (11)

Public safety communications center means the central facility used to receive emergency requests for public safety services and general information from the public to be dispatched to public safety personnel. (3)

Public safety personnel means all personnel employed by any law enforcement agency, and any fire-fighting personnel and any ambulance personnel. (3)

Public sewer. See *Sewer, public*.

Public transportation means public means of transportation, including light and commuter rail transit; buses; enclosed bus and transit stops; taxis, vans, limousines, and other for-hire vehicles other than those being operated by the lessee; and ticketing, boarding and waiting areas in public transportation terminals. (20)

Public utility means persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone service to the general public. For the purpose of chapter 20, personal wireless services shall not be considered public utility uses, and are defined separately. (20)

Public waters means and shall be limited to the following waters of the state:

- (a) All water basins assigned a shoreland management classification by the commissioner of natural resources;
- (b) All waters of the state which have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;
- (c) All meandered lakes, except for those which have been legally drained;
- (d) All water basins previously designated by the commissioner of natural resources for management for a specific purpose such as trout lakes and game lakes pursuant to applicable law;

- (e) All water basins designated as scientific and natural areas;
- (f) All water basins located within and totally surrounded by publicly owned lands;
- (g) All water basins where the state or the federal government holds title to any of the beds or shores, unless the owner declared that the water is not necessary for the purposes of the public ownership;
- (h) All water basins where there is publicly owned and controlled access which is intended to provide for public access to the water basins; and
- (i) All natural and altered natural watercourses with a total drainage area greater than two square miles, except that trout streams officially designated by the commissioner of natural resources shall be public waters regardless of the size of their drainage area.

The public character of water shall not be determined exclusively by the proprietorship of the underlying, or surrounding land or by whether it is a body or stream of water which was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union. (20)

Public works director. References to the city engineer, director of public works or public works director are to the director of public works/city engineer.

Pylon sign. See *Sign, freestanding/pole/pylon*.

Ramp, parking. See *Parking ramp*.

Real estate office, temporary. See *Temporary real estate office*.

Real estate sign. See *Sign, real estate*.

Real property. The words "real property" includes lands, tenements and hereditaments. (1)

Rear lot line. See *Lot line, rear*.

Rear yard. See *Yard, rear*.

Recreational beach lot means land abutting public water which serves as a neighborhood recreational facility for the subdivision of which is a part. (20)

Recreational vehicle means a vehicle or vehicular unit that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and which is primarily designed as a temporary living accommodation for recreational camping, seasonal, and travel use.

Recreational vehicles include travel trailers, travel vehicle, camping trailers, truck campers and self-propelled motor homes. (20)

Recyclables means materials which can be separated from the mixed municipal solid waste stream for collection and preparation for reuse in their original form, or for other uses in manufacturing processes that do not cause the destruction of the recyclable materials in a

manner that precludes further use. (16)

Refuse means putrescible and nonputrescible solid wastes of all kinds, combustible and noncombustible, resulting from the operation of a household, including, but not limited to, garbage or any other discarded or unusable materials. "Refuse" does not include:

- (a) Construction materials resulting from the construction or reconstruction of buildings or other improvements by contractors; or
- (b) Trees in excess of six inches in diameter; or
- (c) Yard waste; or
- (d) Recyclables. (16)

Refuse and garbage collector means any person holding a valid license from the village for the purpose of collecting refuse and garbage. (16)

Regulatory flood protection elevation (RFPE) means an elevation not less than three feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Rehabilitation means to renew the land to a self-sustaining, long-term use which is compatible with contiguous land uses in accordance with the standards set forth in chapter 20. (20)

Remuneration means compensation, money, or other consideration given in return for occupancy, possession, or use of real property. (20)

Rent means the consideration or remuneration charged whether or not received, for the occupancy of space in a short-term vacation unit, valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property, or services of any kind. Rent may include consideration or remuneration received pursuant to an option to purchase whereby a person is given the right to possess the property for a term of less than thirty (30) days. (20)

Rental means an arrangement between a transient and a homeowner whereby rent is received in exchange for the right to possess a residential structure. (20)

Repair shall mean the act or process of restoring or replacing a defective element of an individual sewage treatment system to approximately its original function without altering its original location, capacity or operating characteristics. Only repairs or replacement performed downstream of the inlet of the distribution device or replacement of the septic tank, pump tank or dosing chamber shall be considered repairs requiring a permit under this article. (19)

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Replacement means the obtaining and installing of equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed. The term operation and maintenance includes replacement. (19)

Residential development shall mean ten or more places of habitation concentrated within ten acres of land. The term also includes schools, churches, hospitals, nursing homes, businesses, offices, and apartment buildings or complexes having ten or more units. (19)

Residential district means that area of the city zoned as RR, RSF, R-4, RLM, R-8, R-12, R-16 or PUD-R by the City Code. (10)

Residential dwelling. See *Dwelling, residential.* (16)

Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.

Restaurant. See *Restaurant, standard.*

Restaurant, fast-food means an establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption:

- (a) Within a restaurant building;
- (b) Within a motor vehicle parked on the premises; or
- (c) Off the premises as carry-out orders; and whose principal method of operation includes the following characteristics:
 - (1) Food and/or beverages are usually packaged prior to sale and are served in edible containers or in paper, plastic or other disposable containers;
 - (2) The customer is not served food at his table by an employee, but receives it at a counter window, or similar facility and carries it to another location on or off the premises for consumption. (20)

Restaurant, standard means an establishment whose principal business is the sale of food and/or beverages, including alcohol, to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- (a) Customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed;
- (b) A cafeteria-type operation where food and beverages generally are consumed within the restaurant building. (20)

Restoration. To renew land to self-sustaining, long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this article. (7)

Restraint, under. See *Under restraint.*

Retail Registration: Retail Registration: An approved registration issued by the City or Carver County to a cannabis retail business.

Retail sales means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (20)

Revenues, gross. See *Gross revenues*.

Right-of-way means a strip of land intended to be occupied by a roadway, sidewalk, trail, and/or other utilities or facilities. A right-of-way includes the land between the right-of-way lines, whether improved or unimproved. "Right-of-way" includes arterial, collector and local streets. (1) (7.5) (12) (18) (20)

Riparian lot. See *Lot, riparian*.

Roadside stand means a stand located adjacent to public right-of-way for the sale of agricultural produce. (20)

Roadway means that portion of the right-of-way improved, designed or ordinarily used for vehicular travel, including the shoulder. (12) (18) (20)

Rodent. Any animals or insects commonly seeking to make their home within the interior of a permanent structure, including birds, bats, bees, wasps, moths, squirrels, mice and rats. (7)

Roof sign. See *Sign, roof*.

Roof sign, integral. See *Sign, integral roof*.

Roof, standing seam. See *Standing seam roof*.

Rooming house. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling. (7)

Rooming unit. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes. (7)

Rooster means a male chicken.

Root zone, critical. See *Critical root zone*.

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. (7)

Run means an enclosed and covered area attached to the coop where the chickens can roam unsupervised.

Safety or deadman throttle means a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track. (12)

Sales, small vehicle. See *Small vehicle sales*.

Sanitary sewer. See *Sewer, sanitary*.

Satellite dish means a combination of:

- (a) Antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
 - (b) A low-noise amplifier (LNA), which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and
 - (c) A coaxial cable whose purpose is to carry the signals into the interior of the building.
- (20)

Satellite dish height means the height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to ground level.

Saturated soil shall mean the highest elevation in the soil where periodically depleted oxygen levels occur because of soil voids being filled with water. Saturated soil is evidence by the presence of soil mottling or other information. (19)

School, vocational. See *Vocational school*.

Seasonal dock means any dock designed and constructed so that it may be removed from a lake on a seasonal basis; all components such as supports, legs, decking and footing must be capable of removal by nonmechanized agents. (6)

Secondary zone means the buffer zone that contains habitat areas that are valuable to the delicate balance of the Bluff Creek ecosystem. The secondary zone, which is generally delineated in the Bluff Creek Watershed Natural Resources Management Plan, is subject to development limitations (bluffs, step slopes, wetlands etc.) in order to minimize the impact of new development on the primary zone. (20)

Section means any section, subsection or provision of this article. (7.5)

Sediment control means best management practices employed to prevent sediment from leaving site including, but not limited to, silt fence, sediment traps, earth dikes, check dams, subsurface drains, pipe slope drains, storm drain inlet protection and temporary or permanent sediment basins as defined in the MPCA general construction permit. (7, 19)

Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices. (10)

Semi-public property shall mean any parking lot operated incident to any commercial use of land, any auto service station, or any parochial or private school ground for which no special on-sale nonintoxicating malt liquor permit has been issued by the city. (11)

Semi-public use means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization. (20)

Senior citizen housing means housing designed and intended to be occupied principally by persons 55 or older.

Separated materials, source. See *Source-separated materials*.

Septage shall mean solids and liquids removed during periodic maintenance of an individual sewage treatment system, or solids and liquids which are removed from toilet waste treatment devices or a holding tank. (19)

Septic system. See *Individual sewage treatment system (ISTS)*.

Service area or *franchise area* means the entire geographic area within the city as it is now constituted or may in the future be constituted, unless otherwise specified in the franchise agreement. (7.5)

Service center, auto. See *Auto services center*.

Service interruption means the loss of picture or sound on one or more cable channels. (7.5)

Setback means the minimum horizontal distance between a structure and the nearest property line or right-of-way; and, within shoreland areas, setback also means the minimum horizontal distance between a structure or sanitary facility and the ordinary high water mark. (19) (20)

Setback line, building. See *Building setback line*.

Setback zone, dock. See *Dock setback zone*.

Sewage treatment system means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in chapter 19, article IV, of the City Code. (20)

Sewage treatment works means any arrangement of devices and structures used for treating sewage. (19)

Sewer means a pipe or conduit for carrying sewage. (19)

Sewer system means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal. (20)

Sewer system, community means an alternative type sanitary sewer system which utilizes one septic tank per each dwelling unit or commercial unit, and small diameter sewer pipe to convey septic tank effluent to a central location for treatment through soil absorption. (19)

Sewer, building means the extension from the building drain to the public sewer. (19)

Sewer, combined means a sewer receiving both surface runoff and sewage. (19)

Sewer, public means a sewer in which all owners of abutting properties have equal rights or is controlled by public authority or both. Where an individual septic tank is part of the system, that septic tank and the pipe leading out of the tank shall be considered part of the public sewer. (19)

Sewer, sanitary means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted. (19)

Sexual activities, specified. See Specified sexual activities.

Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude. (10)

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult store, adult theater, escort agency, nude model studio, or sexual encounter center.

Sexually oriented business, substantial enlargement of a sexually oriented business. See Substantial enlargement of a sexually oriented business.

Sexually oriented business, transfer of ownership or control of a sexually oriented business. See Transfer of ownership or control of a sexually oriented business.

Shall. The word "shall" is to be construed as being mandatory. (1) (10)

Sheriff means the Carver County Sheriff or his designee. (3) (6)

Shielded light fixture means a light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees. (20)

Shooting means the firing or discharge of any firearm. (11)

Shopping center means an integrated group of commercial establishments planned, developed and managed as a unit, with off-street parking facilities provided on-site. (20)

Shore impact zone means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback. (20)

Shoreland means land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner. (20)

Short-term Rental means any residential property, a dwelling unit, or a portion thereof that is rented to a transient for less than thirty (30) consecutive days. (20)

Shrub means a woody plant that remains low and produces several erect, spreading, or prostrate stems from the base, and is not usually tree-like or single-stemmed. (20)

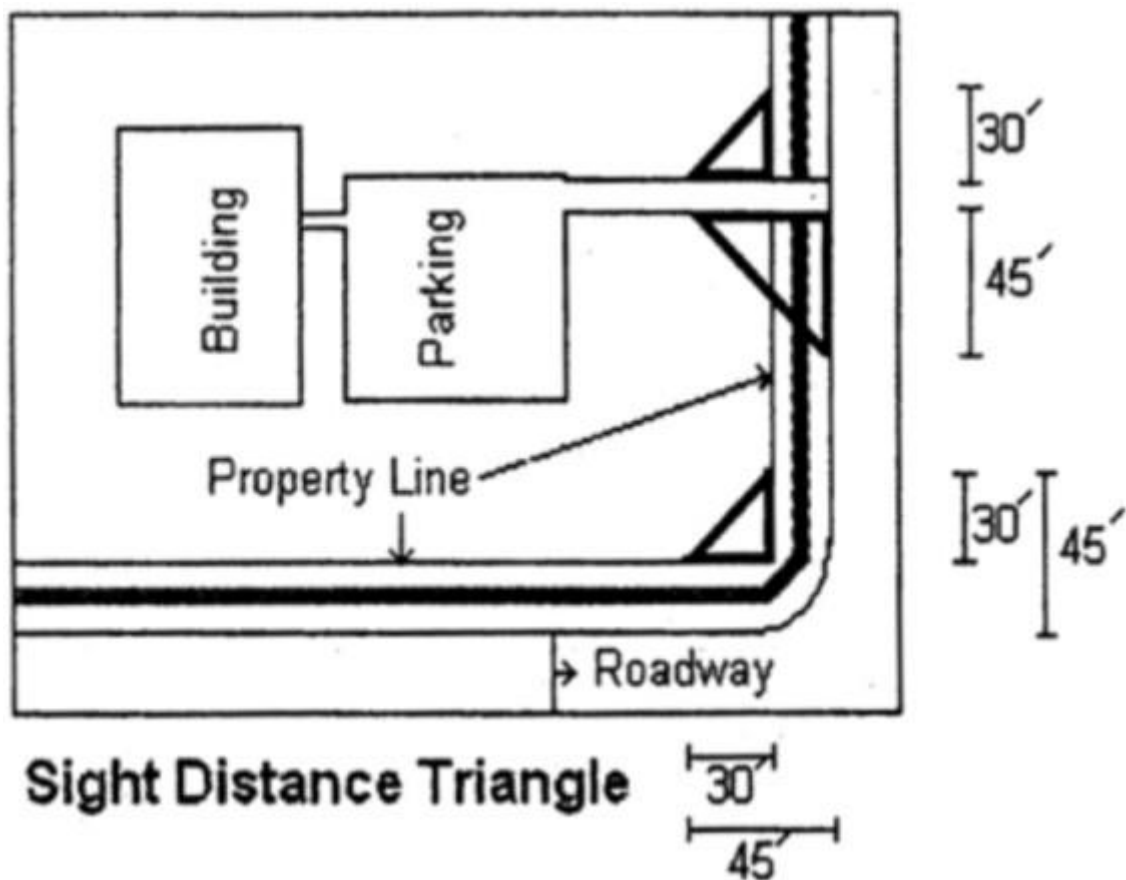
Side lot line. See *Lot line, side.*

Side of bluff. See *Bluff, side of.*

Side yard. See *Yard, side.*

Sidewalk. The word "sidewalk" means a pedestrian way, public or private, designed or intended for the principal use of pedestrians. "Sidewalk" also includes that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians. (1) (18) (20)

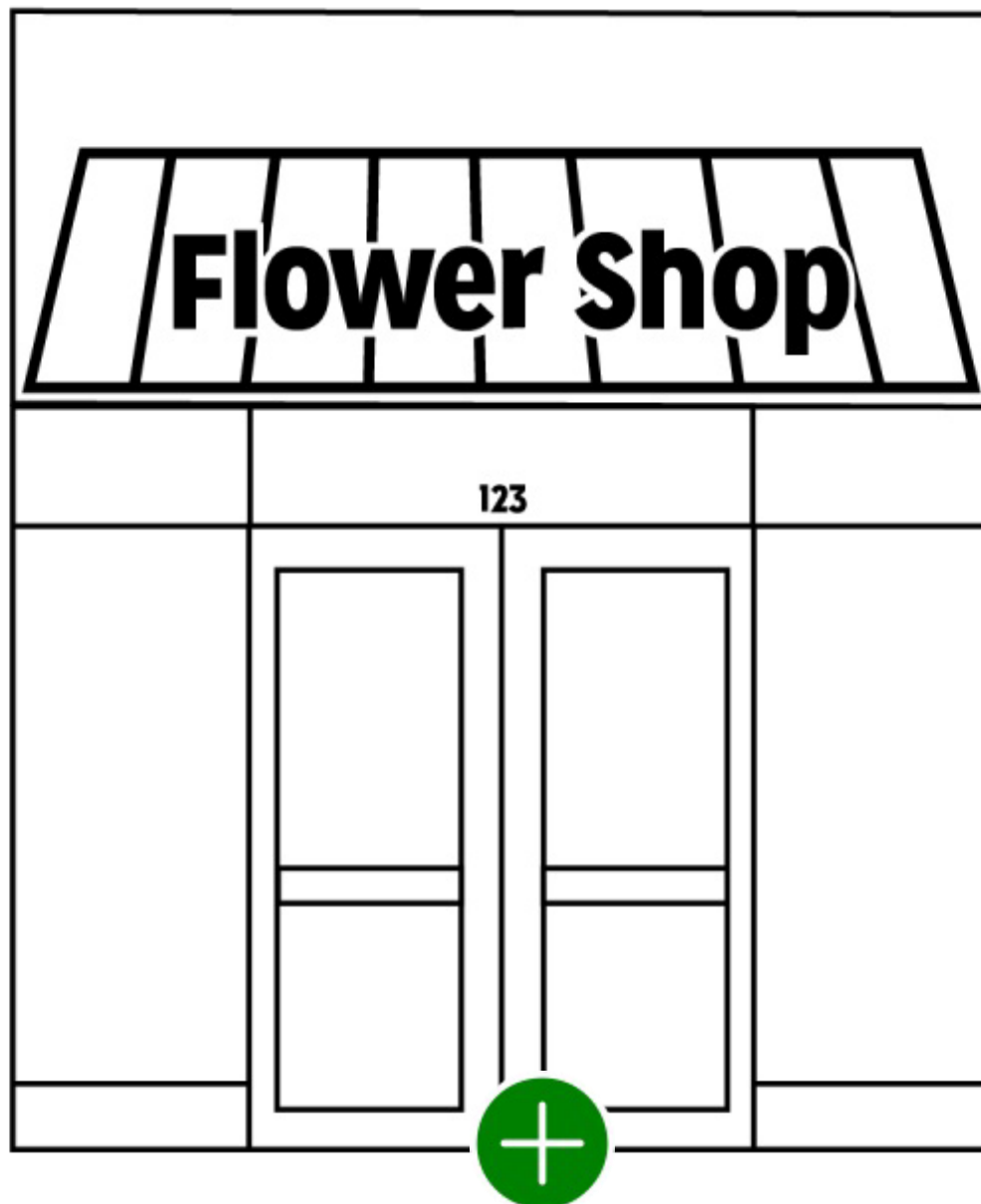
Sight distance triangle means the area of a corner lot bounded by the right-of-way lines and a line connecting the two points on the property lines 30 feet from the intersection of the property lines or within 45 feet of the intersection of two improved street surfaces (roadway) or driveway edges, whichever is greater. No sign or sign structure shall be located within the sight distance triangle. No sign or sign structure shall be located within the sight distance triangle from any private drive or access intersecting a public street. Signs shall be setback a minimum ten feet from any property line. (20)



Sign means any object, device, display or structure, or part thereof situated outdoors, or visible through a window or door, which is used to advertise, announce, identify, display, direct or attract attention to an object, person, institution, organization, business, commodity, product, service, event or location, by means, including words, letters, figures, design, symbols, fixtures, pictures, illumination or projected images. (20)

Sign, advertising means any sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises where such a sign is located. (20)

Sign, awning means a sign located on a hood or cover that projects from the wall of a building.. (20)



Sign, banner means a sign which is made out of a paper, cloth or plastic-like consistency, affixed to a building, vehicle, poles or other supporting structures by all four corners. (20)

Sign, business directory means a sign which identifies multiple tenants within a property of grouping of properties.

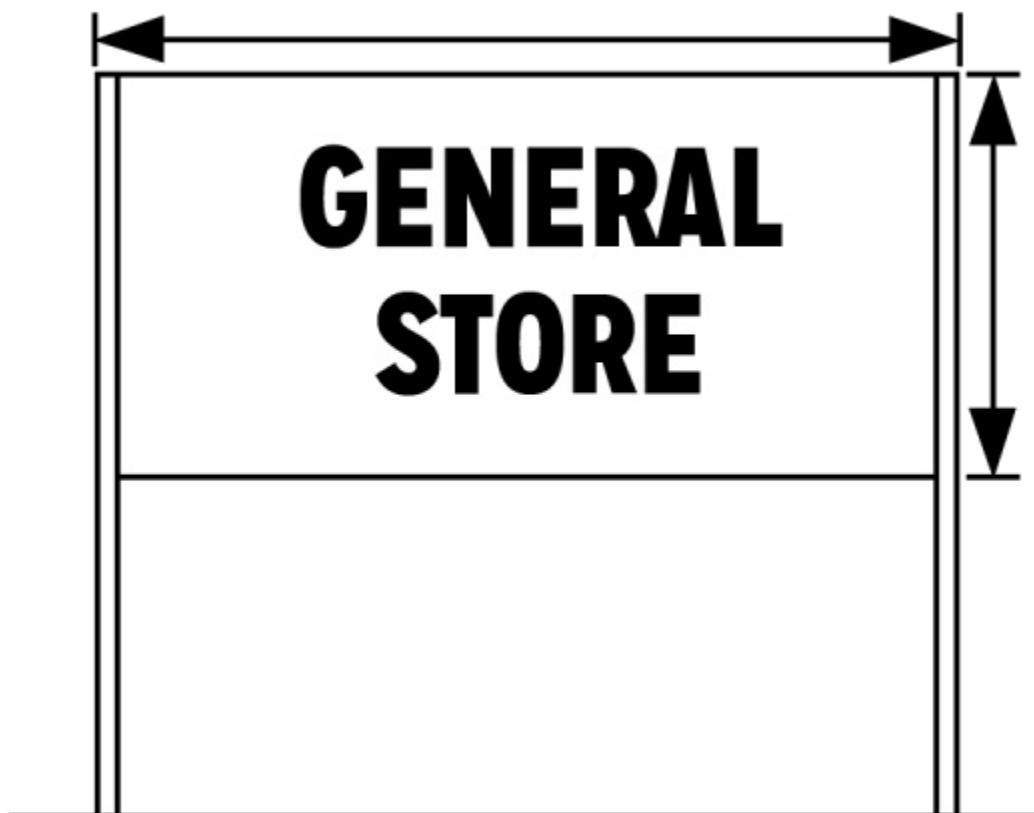


Sign, canopy means any sign that is affixed to a projection or extension of a building or structure of a building, erected in such a manner as to provide a shelter or cover over the approach to any entrance of a store, building or place of assembly. Plastic or structural protective cover over a door entrance, window or outdoor service area. (20)



Sign, changeable copy means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. (20)

Sign, display area means the area within a single continuous perimeter enclosing the extreme limits or the actual sign message surface, including any structural elements outside the limits of each sign forming an integral part of the sign. The stipulated maximum sign display area for a sign refers to a single facing. (20)



Sign, electronic message center (EMC) means a sign or portion of a sign that displays electronic, nonpictorial text information in which each alpha-numeric character or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics or other illumination devised within the display area. The characters for the copy or script shall be only that available on a standard word processing keyboard, and shall not include graphics, pictures or other items. Electronic changeable copy signs include computer programmable, microprocessor-controlled electronic displays and

messages that are projected onto building or other objects. (20)

Sign, flag means any fabric banner used as a symbol of a government, political, subdivision or other identity/corporation. (20)

Sign, flashing means any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever. (20)

Sign, freestanding/pole/pylon means any nonmovable sign not affixed to a building but erected upon a pole, post or other similar support so that the bottom edge of the sign display area is eight feet or more above the ground elevation. (20)

Sign, governmental means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation. (20)

(20)

Sign, illuminated means a sign lighted by or exposed to artificial lighting, either by lights on or in the sign or directed towards the sign. (20)

Sign, informational means a sign containing descriptions of major points of interest, government institutions or other public services such as hospitals, sports facilities, etc. (20)

Sign, institutional means a sign that is owned by a government entity or school. (20)

Sign, Drive-through means a sign located adjacent to the drive-through lane that is used to advertise the product available at a fast-food restaurant. (20)

Sign, motion means any sign or part of a sign which changes physical position by any movement or rotation of which gives the visual impression of such movement or rotation. (20)

Sign, monument means a sign directly affixed to the ground.

Sign, nonconforming means a sign that does not conform to the requirements of chapter 20 of this Code. (20)

Sign, Portable A-Frame means a sign not affixed to a structure or ground, self-standing, constructed of two panels hinged at the top.

Sign, Public/Community means a sign on a property owned or leased by a governmental unit and operated by a governmental unit.

Sign, projecting means a sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. (20)

Sign, roof means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof. (20)



Sign, site signage means a sign located on the exterior of a structure or the grounds of a property, excluding the permitted wall/canopy signs for the building.

Sign, temporary means a sign designed or intended to be displayed for a short period of time. This includes, but is not limited to, items such as banners, pennants, flags, beacons, sandwiches or balloons or other air- or gas-filled figures. (20)

Sign, wall means a sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the face of the wall. (20)

Sign, window means sign, symbols, words or combination thereof, measured to include only the extreme limits of the content, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. (20)

Signature, subscription. A signature or subscription includes a mark when the person cannot write, provided that the person's name is written near such mark and is witnessed by a person who writes his own name as witness. (1)

Significant historic site means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the state register of historic sites, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites. (20)

Significant tree means any healthy tree species measuring five inches or more DBH; (20)

Single-family dwelling. See *Dwelling, single-family*.

Single-user tower. See *Tower, single-user*.

Site distance triangle means no sign or sign structure shall be closer to any lot line than a distance equal to one-half the minimum required yard setback. No sign shall be placed within any drainage or utility easement. Sign shall not block site distance triangle from any private drive or access. Signs shall not be located in any site distance triangle 30 feet from the point of intersection of the property line. (20)

Site furnishings means any structure, other than buildings, visible from any public way, and any street hardware located in streets and public ways and outside of buildings. Site furnishings include, but are not limited to, signs, decorative paving treatments, fences, walls, railings, artwork, transformers, utility access boxes, lighting standards and arrays, and other visible site appurtenances. (20)

Slope, steep. See *Steep slope*.

Slow—No wake means operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than five miles per hour. (6)

Small brewer is a brewery that produces less than 20,000 barrels of malt liquor in a year.

Small vehicle sales means any motor vehicle having an engine cubic centimeter displacement of less than 1,000 cc, including, but not limited to, riding lawn mowers, farm equipment, motorcycles, minibikes, all-terrain vehicles and snowmobiles.

Smoking means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe,

or any other lighted smoking tobacco or plant product equipment intended for inhalation. (20)

Snowmobile means a self-propelled vehicle which is designed for travel on snow or ice steered by skis or runners. (14)

Soil textural classification shall mean the soil particle size or textural classification as specified in the Soil Survey Manual, Handbook No. 18, United States Department of Agriculture (USDA) 1993, incorporated by reference. (19)

Soil, saturated. See *Saturated soil*.

Soil, suspended. See *Suspended soil*.

Solicitor means any person, firm, corporation or other business organization who goes from dwelling to dwelling, business to business, place to place, or from street to street, soliciting donations other than political campaigns, or taking or attempting to take orders for any goods, wares or merchandise, including books, periodicals, magazines, or personal property of any nature whatever for future delivery. (10)

Solid waste, mixed municipal. See *Mixed municipal solid waste*.

Source-separated materials means those elements of a waste stream which are separated by the generator for reuse in their original form or for use in manufacturing processes. (10)

Special flood hazard area means a term used for flood insurance purposes synonymous with "one hundred-year floodplain."

Special pickup means any collection of materials other than garbage, refuse, recyclables or yard waste, including white goods (e.g., large appliances), furniture, oversized materials, construction debris, and other materials collected, processed, and disposed of as separate waste streams. (16)

Special trees mean any large broadleaf trees at least 30 inches DBH, any large conifer trees at least 20 inches DBH, any medium broadleaf trees at least 20 inches DBH, any small broadleaf trees at least 12 inches DBH, rare or unusual tree species, or trees of exceptional quality. (20)

Specified anatomical areas means human genitals in a state of sexual arousal. (10)

Specified sexual activities means and includes any of the following:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (c) Masturbation, actual or simulated; or
- (d) Excretory functions as part of or in connection with any of the activities set forth in paragraphs (1) through (3) above. (10)

Stables, commercial means any place where a person accepts horses, colts, ponies, mules, burros or llamas from the general public and where such animals are kept for the purpose of selling, boarding, breeding, training, treating or grooming. (5) (20)

Stables, private means any place where a horse, colt, pony, mule, burro or llama is kept or harbored, such animal being owned by the owner or lessee of the premises wherein or whereupon the animal is kept or harbored.

Standard restaurant. See *Restaurant, standard*.

Standing seam roof is a deck roof consisting of flat metal joined by vertical or overlapping seams. (20)

State. The words "the state" or "this state" shall mean the State of Minnesota. (1) (7.5)

State disposal system (SDS) permit means any permit including any terms, conditions and requirements thereof issued by the MPCA pursuant to M.S. § 115.07, for a disposal system as defined by M.S. § 115.01, subd. 5. (19)

State License: An approved license issued by the Office of Cannabis Management to a cannabis retail business.

Statutes. References to "statutes" or to "M.S.", are to the Minnesota Statutes unless otherwise specified. (1)

Steep slope means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of chapters 18 and 20. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs. (20)

Sterilized means neutered in the case of male dogs or cats, or spayed in the case of female dogs or cats.

Storage building means any structure used for the storage of materials and accessories used and normally associated with the principal use of the property. (20)

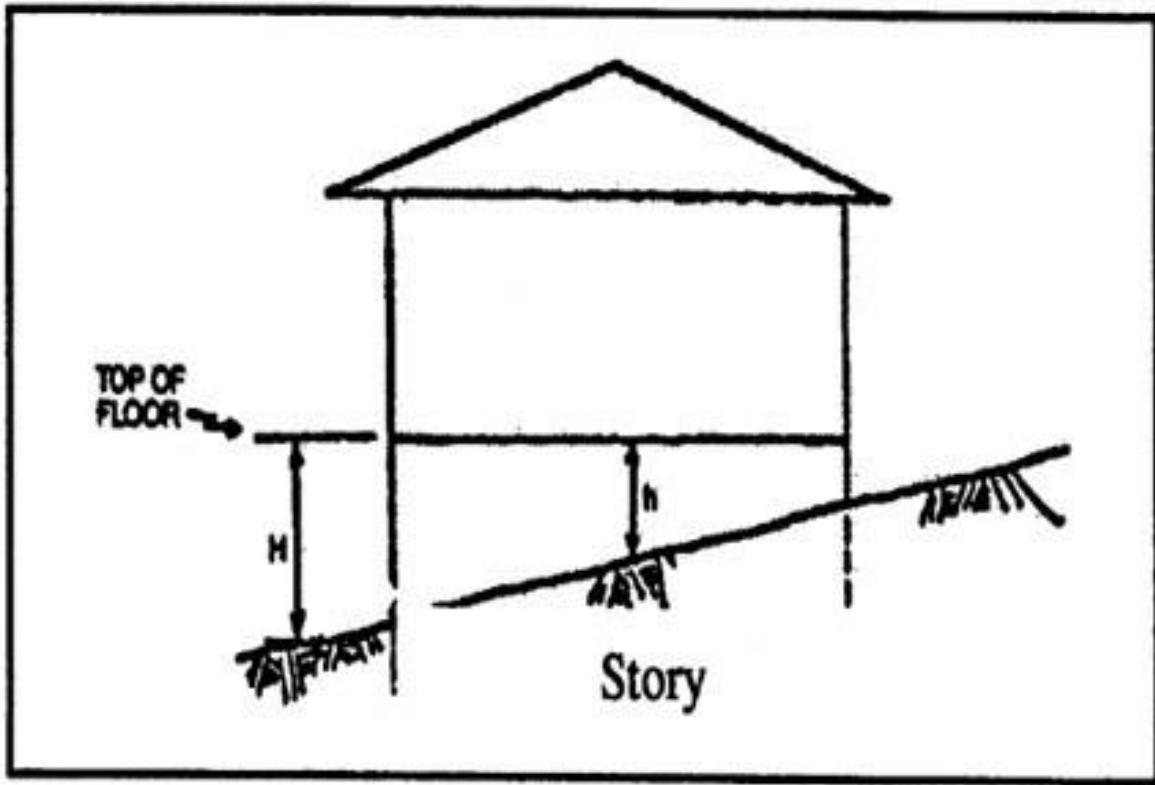
Store, convenience. See *Convenience store*.

Storm sewer or storm drain means a sewer which carries storm and surface waters and drainage, but excluding sewage and polluted industrial wastes. (19)

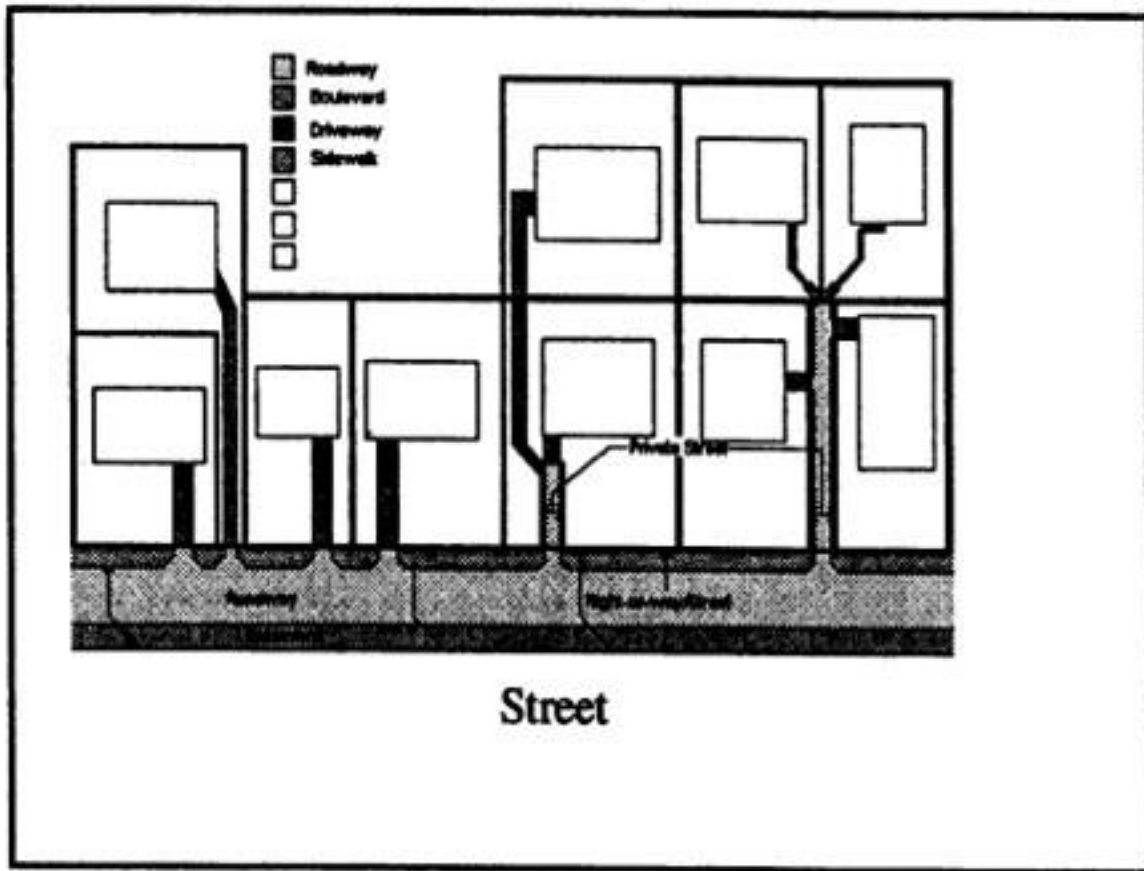
Storm sewer connection means the installation of a hookup or connection from the municipal storm sewer line in a street or easement to the structure to be served thereby or to any inlet or catch basin on the property drained by the storm sewer. (19)

Stormwater pollution prevention plan (SWPPP) means a plan for stormwater discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution, as defined in the MPCA general construction permit.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it. Or if there is not floor above it, then the space between the floor and the ceiling next above it and including a basement used for the principal use. If the height (H) of the basement is more than 12 feet at any point, or if the height (H) is more than six feet for more than 50 percent of the perimeter of the building then it is considered a story. This definition refers to nonresidential properties only. (20)



Street means a public right-of-way or a private right-of-way occupied by a roadway or in which a future roadway will be constructed. (1) (7.5) (12) (18) (20)



Street frontage means that portion of a parcel of land abutting one or more public streets. (20)

Street width means the shortest distance between the lines delineating the right-of-way of a roadway. (20)

Street, arterial means a street or highway with access restrictions designed to carry large values of traffic between various sectors of the city or county and beyond. (18) (20)

Street, collector means a street that carries traffic from minor streets to arterial streets. (18)

Street, local means a street of limited continuity which is used primarily for access to abutting properties. (18)

Street, minor. See *Minor street*.

Street, private means a street serving as vehicular access to two or more parcels of land which is not dedicated to the public but is owned by one or more private parties. (18) (20)

Strip, buffer. See *Buffer strip*.

Structure means anything manufactured, built, constructed, erected, or a portion thereof which is normally attached to or positioned on land, whether temporary or permanent in character, including, but not limited to, buildings, fences, sheds, advertising signs, dog kennels, hard

surface parking areas, boardwalks, playground equipment, patios, or concrete slabs. (7) (20)

Structure, accessory. See *Accessory use or structure.*

Structure, attached means any structure that is attached to another structure by a common wall.

Structure, conforming. See *Conforming building or structure.*

Structure, nonconforming. See *Nonconforming structure.*

Structure, principal. See *Principal structure.*

Structure, temporary. See *Temporary structure.*

Subdivision means the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots or long-term leasehold interests, where the creation of the leasehold interest necessitates the creation of streets, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

- (a) Where all the resulting parcels, tracts, lots or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
- (b) Creating cemetery lots;
- (c) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary. (18) (20)

Subscriber means any person who or which lawfully elects to subscribe to, for any purpose, a service provided by the grantee by means of or in connection with the cable system whether or not a fee is paid for such service.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than 25 percent, as the floor area existed on the effective date of this article. (10)

Substantial improvement means within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the

local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- (b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of the ordinance from which this definition derived, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

Substation, electrical. See *Electrical substation*.

Substation, power. See *Power substation*.

Suitable backstop means any natural or manmade barrier of sufficient mass, size or construction to wholly contain the projectile being discharged. (11)

Supportive services. "Supportive services" means help with personal laundry, handling or assisting with personal funds of residents, or arranging for medical services, health-related services, social services, or transportation to medical or social services appointments. Arranging for services does not include making referrals, assisting a resident in contacting a service provider of the resident's choice, or contacting a service provider in an emergency.

Surface water management plan (SWMP) means the most recently adopted version of the Chanhassen Surface Water Management Plan.

Surface waters shall mean any water basins or watercourses defined as natural watercourses or public waters in M.S. §§ 103G.005 and 645.44, subd. 8a. (19)

Suspended soil means solids that either float on the surface of or are in suspension in waste and which are removable by laboratory filtration; the quantity being determined by a test as described in *Standard Methods for the Examination of Water and Wastewater*, latest edition. (19)

Swimming area means an area immediately adjacent to the shoreline which is marked in accordance with the applicable regulations of the state department of natural resources and which is used solely for recreational swimming. (6)

Swimming pool means any manmade structure for holding water, intended for swimming by human beings, excluding portable and inflatable structures.

Swimming raft means a small floating structure designed exclusively for swimming and sunbathing. (6)

System, alternate. See *Alternate system*. (19)

System, experimental. See *Experimental system*.

System, failing. See *Failing system*.

System, wind energy conversion. See *Wind energy conversion system*.

Table, water. See *Water table*.

Tap room is a location in or adjacent to a brewery where the owner of the brewery sells malt liquor produced by the brewery for consumption on the premises or for off-site consumption as provided for in M.S. §§ 340A.28 and 340A.285.

Targeted recyclables means newspaper; clear, brown and green glass containers; tin cans; aluminum beverage cans; cardboard; plastics; magazines; phonebooks; high grade paper and or other materials that may be designated by resolution of the city council. (16)

Telecommunication service, commercial wireless. See *Commercial wireless telecommunication service*.

Temporary mobile tower. See *Tower, temporary mobile*.

Temporary outdoor display means a temporary outdoor display of merchandise, products or models for promotional or sales purposes.

Temporary outdoor sales means and is defined as "sales activities characterized by their short-term or seasonal nature, require an outdoor location, and by the fact that permanent improvements are not made to the site". (20)

Temporary real estate office means a unit or trailer within a development which may be used as a sales or real estate office for the development in which it is located.

Temporary sign. See *Sign, temporary*.

Temporary structure means a structure without any foundation or footings and which shall be removed when the designed time period, activity, or use for which temporary structure was erected has ceased. (20)

Temporary trailer. See *Trailer, temporary*.

Tenant, occupant. The words "tenant", and "occupant", applied to a building or land mean any person, corporation, partnership or group, whether or not the legal owner of record, occupying the whole or a part of such building or land, whether alone or with others. (1) (7)

Tense. Words used in the past or present tense include the future as well as the past and present. (1)

Terminal, truck. See *Truck terminal*.

Toe of the bluff. See *Bluff, toe of*.

Toilet room. A room containing a water closet or urinal, but not a bathtub or shower. (7)

Top of the bluff. See *Bluff, top of*.

Topsoil. That portion of the overburden which lies closest to the earth's surface and supports the growth of vegetation. (7)

Tower means any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade. (20)

Tower, multi-user means a tower designed for the antennas of more than one commercial wireless telecommunication service provider or governmental agency. (20)

Tower, single-user means a tower designed for only the antennas of a single user. (20)

Tower, temporary mobile means any mobile tower, pole or structure located on a trailer, vehicle or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, also commonly referred to as cellular on wheels (COW). (20)

Townhouse dwelling. See *Dwelling, townhouse*.

Townhouse. See *Dwelling, townhouse*.

Trade, wholesale. See *Wholesale trade*.

Trades, home improvement. See *Home improvement trades*.

Trail means a travel way designed for and used by pedestrians and cyclists using nonmotorized bicycles. (18)

Trailer, boat. See *Boat trailer*.

Trailer, temporary means a trailer or mobile home for construction purposes, the display or sale of real estate, or major durable goods or as a temporary form of residential dwelling on lot on which a house is being constructed. (20)

Trailer, travel means a vehicle or movable structure which is designed, intended or used for temporary human habitation during recreational or vacation activities. The term includes, without limitation, recreational vehicles, campers, camper trailers and tents, and house travel and tent trailers, but does not include mobile homes. (20)

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- (a) The sale, lease or sublease of the business;

- (b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (c) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control. (10)

Transient means any person who, at their own expense or at the expense of another, exercises occupancy or possession, or is entitled to occupancy or possession, by reason of any rental agreement, concession, permit, right of access, option to purchase, license, time-sharing arrangement, or any other type of agreement for a period of less than thirty (30) consecutive calendar days. (20)

Transient merchant means any person, firm, corporation or other business organization, who engages temporarily in the business of selling and delivering goods, wares or merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any vacant lot, parking lot, motor vehicle or trailer. (10)

Travel trailer. See *Trailer, travel.*

Tree means a woody plant which at maturity is 13 to 20 feet or more in height, with a single trunk, unbranched for at least several feet above the ground, and having a more or less definite crown. (20)

Tree caliper means diameter of a tree measured at six inches above ground. (20)

Tree trunk means the stem portion of a tree from the base to the first branch thereof. (20)

Tree, significant. See *Significant tree.*

Trees, loss of means that any of the following may have happened:

- (a) Grade change or land alteration, whether temporary or permanent, of greater than one foot, measured vertically from the existing grade, affecting 40 percent (as measured on a horizontal plane) or more of a tree's critical root zone; or
- (b) Utility construction resulting in the cutting of 40 percent or more of the tree's roots within the critical root zone; or
- (c) Mechanical injury to the tree trunk causing loss of more than 40 percent of the bark; or
- (d) Compaction to 90 percent of standard proctor to a depth of six inches or more of 40 percent or more of the surface of the soil within the tree's critical root zone; or
- (e) The pruning of a tree which eliminates 40 percent or more of the canopy area of a tree; or
- (f) The complete removal of a tree. (20)

Trees, special. See *Special trees.*

Truck means any vehicle, the gross weight of which exceeds 7,000 pounds. (12)

Truck terminal means any use, area or building where cargo, trucks, truck parts, loading equipment, and the like is stored or where trucks load and unload on a regular basis. (20)

Trunk, tree. See *Tree trunk*.

Two-family dwelling. See *Dwelling, two-family*.

Under restraint means under control by means of a leash not exceeding six feet in length, or within the property of the owners premises.

Underage person. The term "underage person" means a person who is under the legal drinking age, as provided by M.S. ch. 340A. (10)

Underground electric distribution substations are located underground near to the end-users. Distribution substation transformers change the subtransmission voltage to lower levels for use by end-users.

Underway or in use means any watercraft in operation or use when not securely fastened to a dock or other permanent mooring or at anchor. (6)

Unit means one complete single-family household. (19)

Unit, housekeeping. See *Housekeeping unit*.

Use, accessory. See *Accessory use or structure*.

Use, nonconforming. See *Nonconforming use*.

Use, semi-public. See *Semi-public use*.

Utility services means the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, communication, including poles, wire, mains, drains, sewers, pipe, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, that is reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for the public health, safety or general welfare. This term does not imply overhead transmission lines in excess of 69 kv. (20)

Utility, public. See *Public utility*.

Variance means permission to depart from the requirements of chapters 18 and 20. (20)

Vegetation clearing means the complete removal of existing vegetative cover in such a manner as to expose the soil to air and water erosion. (20)

Vegetation, native. Native vegetation is the presettlement group of plant species native to the North American Continent which were not introduced as a result of European settlement. (20)

Vegetation, unacceptable means nonnative species that may pose a threat to native vegetation and native plant communities within a wetland and wetland buffer. This includes, but is not limited to, nonnative vegetation, invasive vegetation, agricultural weeds and those listed on the state noxious weed list. (20)

Vehicle means any machine as defined under M.S. § 169.01, and includes any bicycle, go-cart, minibike, motorcycle, snowmobile, trailer, recreational vehicle, all terrain vehicles or self-propelled instruments which carry or may carry an occupant or occupants upon land or water. "Vehicle" includes every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved exclusively upon stationary rails or tracts. (13) (14)

Vehicle, abandoned. See *Abandoned vehicle*.

Vehicle, recreational. See *Recreational vehicle*.

Vehicle sales, small. See *Small vehicle sales*.

Vehicular use area (V.U.A.) means any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more, of any type of vehicle, whether mooring or at rest, including, but not limited to, parking lots, loading and unloading areas, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described previously in this paragraph (and intervening curbs, sidewalks, landscape strips, etc., do not eliminate adjacency). (20)

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from any space. (7)

Vocational school means establishments primarily engaged in offering specialized vocational courses, including schools such as banking, commercial art, construction equipment, correspondence schools, nursing schools, real estate schools, restaurant operation, trade schools and truck driving schools. (20)

Wall sign. See *Sign, wall*.

Warehouse, mini. See *Mini-warehouse*.

Warehousing means the commercial storage of merchandise and personal property. (20)

Waste, normal domestic strength. See *Normal domestic strength waste*.

Waste, yard. See *Yard waste*.

Water monitoring device shall mean equipment which measures the amount of liquid which

enters the sewage treatment system. (19)

Water obstacle means any ski jump, slalom course, diving tower or other structure upon the water of any lake. "Water obstacle" does not include any dock or swimming raft or watercraft. (6)

Water table shall mean the highest elevation in the soil where all the voids are filled with water, as evidenced by the presence of water or soil mottling or other evidence. (19)

Watercraft means any vessel, craft, boat, or thing made or intended to float on or in or travel or transport through water, other than model boats. (6) (12) (20)

Watercraft Trailer means any trailer constructed and/or designed primarily to transport or carry watercraft. (20)

Water-oriented accessory structure or facility means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.

Waters, public. See *Public waters*.

Waters, surface. See *Surface waters*.

WCA agent means the city staff member responsible for the administration of the Minnesota Wetland Conservation Act. (20)

Weapons, dangerous. See *Dangerous weapons*.

Week. The word "week" means seven days. (1)

Weight, gross. See *Gross weight*.

Wetland means land 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 definition, wetlands must have the following three attributes:

- (a) Have a predominance of hydric soils;
- (b) Are inundated or saturated by surface or groundwater 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 such vegetation; and
- (d) Wetlands does not include types 3, 4 and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are 2½ or more acres in size. (19) (20)

Wetland alteration means draining, grading, excavating, filling, removing healthy native vegetation, or otherwise altering or destroying a wetland. (20)

Wetland Conservation Act (or WCA) means the Wetland Conservation Act of 1991, as amended (M.S. § 103F.612 et seq.), and the accompanying rules of the Minnesota Board of Water and Soil Resources (Minnesota Rules Chapter 8420, as amended). (20)

Wetland delineation means a boundary between jurisdictional wetland and nonwetland based on the 1987 Corps of Engineers Wetlands Delineation Manual. Acceptable wetland delineations shall be no more than three years old, unless accompanied by documentation demonstrating:

- (a) The delineation has been reviewed in the past three years by a person trained and experienced in the application of the 1987 Corps of Engineers Wetlands Delineation Manual; and
- (b) The delineation is still accurate or has been revised to reflect existing site conditions.

Wetland delineation report means a report containing a brief site narrative, maps of the site and all pertinent data sheets that document the establishment of a wetland delineation.

Wholesale nursery means an enterprise which conducts the wholesale of plants grown on-site as well as accessory items directly related to their care and maintenance (but not including power equipment such as gas or engine lawnmowers and farm implements). (20)

Wholesale trade means an establishment or place of business engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to such individuals or companies. (20)

Width, lot. See *Lot width*.

Width, street. See *Street width*.

Wild animal means any animal that is wild, ferocious or vicious by nature, habit, disposition or character. Animals in this category include, but are not limited to, any ape, [including chimpanzee, gibbon, gorilla, orangutan, or siamang], baboon, bear, bison, bobcat, cheetah, crocodile, coyote, deer, [including all members of the deer family such as elk, antelope and moose], elephant, fox, hippopotamus, hyena, jaguar, leopard, lion, lynx, monkey, puma, also known as cougar, mountain lion or panther, rhinoceros, any snake which is poisonous or any constrictor snake, snow leopard, tiger, wolf, or hybrid mix of any of the wild animals such as wolf/dog mixes.

Wind energy conversion system or (WECS) means any device that is designed to convert wind power to another form of energy such as electricity or heat (also referred to by such common names as wind charger, wind turbine and windmill). (20)

Window, covering, including but not limited to vinyl, cling, or mounted surfaces that covers all

or a portion of the windowpane to block the view into a building.

Window sign. See *Sign, window.*

Woodland area, designated. See *Designated woodland area.*

Woodlands shall mean any groupings of significant trees with a canopy coverage of one acre or more, any groupings of ten or more significant trees, or any grouping of trees with at least one special tree and where 25 percent or more of other trees are significant trees. (20)

Work the earth. See *Earth work.*

Workman-like. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work. (7)

Written permission requires that the following information must be included: The full name, address, date of birth and signature of the person authorized to hunt or shoot; the full name, address and signature of the landowner. (11)

Written, in writing. The words "written" or "in writing" include any representation of words, letters or figures, whether by printing or otherwise. (1)

Yard means any open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in chapter 20. (20)

Yard waste means organic materials consisting of grass clippings, leaves weeds and other forms of organic garden waste, but excluding bushes, fibrous brush, woody materials, or other materials that are not readily compostible within a calendar year. (16)

Yard, front means a yard extending across the full width of the lot between any building and the front lot line, and measured perpendicular to the building from the closest point of the building to the front lot line. (20)

Yard, rear means a yard extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building from the closest point of the building to the rear lot line. (20)

Yard, side means a yard extending from the front yard to the rear yard between the principal building and the side lot line, measured perpendicular to the building from the closest point of the building to the side lot line. (20)

Year. Unless otherwise designated, the word "year" means a calendar year. (1)

Zone, primary. See *Primary zone.*

Zone, secondary. See *Secondary zone.*

Zoning administrator means the community development director or designee. (20)

Zoning lot. See *Lot, zoning*.

(Ord. No. 234, § 1, 2-27-95; Ord. No. 324, § 1, 7-9-01; Ord. No. 355, § 1, 11-8-03; Ord. No. 390, § 1, 3-14-05; Ord. No. 395, §§ 1, 2, 5-9-05; Ord. No. 405, § 1, 12-12-05; Ord. No. 413, § 1, 2-13-06; Ord. No. 427, §§ 1—3, 9-25-06; Ord. No. 440, § 1, 2-12-07; Ord. No. 448, §§ 1, 2, 5-14-07; Ord. No. 480, § 1, 6-22-09; Ord. No. 481, § 1, 8-10-09; Ord. No. 506, §§ 1, 2, 6-28-10; Ord. No. 512, § 1, 11-22-10; Ord. No. 574, § 1, 10-22-12; Ord. No. 595, §§ 1, 2, 5-12-14; Ord. No. 611, § 1, 12-14-15; Ord. No. 619, § 1, 2-27-17; Ord. No. 621, § 1, 5-8-17; Ord. No. 628, § 1, 12-11-17; Ord. No. 632, § 1, 6-11-18; Ord. No. 636, § 1, 12-10-18; Ord. No. 661, § 1, 10-12-20; Ord. No. 662, § 1, 12-7-20)

State law reference(s)—Interpretation of statutes generally, M.S. § 645.001 et seq.

SECTION 2: **AMENDMENT** “Sec 20-1251 Purpose And Findings” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1251 Purpose And Findings

(a) *Purpose.* The purpose of this sign ordinance is intended to establish an effective means of communication in the city, maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign regulations. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the city's goals:

- (1) Establish standards which permit businesses a reasonable and equitable opportunity to advertise their name and service;
- (2) Preserve and promote civic beauty, and prohibit signs which detract from this objective because of size, shape, height, location, condition, cluttering or illumination;
- (3) Ensure that signs do not create safety hazards;
- (4) Ensure that signs are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;

- (5) Preserve and protect property values;
 - (6) Ensure signs that are in proportion to the scale of, and are architecturally compatible with, the principal structures;
 - (7) Limit temporary commercial signs and advertising displays which provide an opportunity for grand opening and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.
- (b) It is not the purpose or intent of this of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign that cannot be viewed from outside a building.
- (c) Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- (d) *Findings.* The city finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further the city finds:
- (1) Permanent and temporary signs have a direct impact on, and a relationship to, the image of the community;
 - (2) The manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
 - (3) An opportunity for a viable identification of community business and institutions must be established;
 - (4) The safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
 - (5) Installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective firefighting and other emergency service;
 - (6) Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and, thereby, undermine economic value and growth;
 - (7) Uncontrolled and unlimited signs, particularly temporary signs, which are commonly located within or adjacent to public right-of-way, or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information.
- (e) *Severability.* If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The city council hereby declares that it would have adopted this Ordinance in each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,

clauses, or phrases be declared invalid.

(Ord. No. 231, § 1, 1-9-95)

SECTION 3: **AMENDMENT** “Sec 20-1253 Variances” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1253 Variances

The city council, upon the recommendation of the planning commission, may grant a variance from the requirements of this article where it is shown that by reason of topography or other conditions, strict compliance with the requirements of this article would cause a practical difficulty ; provided that a variance may be granted only if the variance does not adversely affect the spirit or intent of this article. Written application for a variance shall be filed with the planning department and shall be supplemented with reproducible copies of the proposed sign. The application shall be processed in conformance with the public hearing requirements dictated for variances in section 20-29. No variance shall be granted by the city council unless it has received the affirmative vote of at least simple majority of the full city council.

(Ord. No. 231, § 1, 1-9-95)

SECTION 4: **AMENDMENT** “Sec 20-1254 Permit Generally” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1254 Permit Generally

- (a) Except as provided in section 20-1255, no sign or sign structure shall be erected, constructed, altered, rebuilt or relocated until a permit has first been issued by the city.
- (b) The following information for a sign permit shall be supplied by an applicant if requested by the city:
 - (1) Name, address and telephone number of person making application.
 - (2) A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
 - (3) Plans, location, specifications, materials, method of construction and attachment to the buildings or placement method in the ground.
 - (4) Copy of stress sheets and calculations.
 - (5) Written consent of the owner or lessee of any site on which the sign is to be

erected.

- (6) Any electrical permit required and issued for the sign.
- (7) Such other information as the city shall require to show full compliance with this chapter and all other laws and ordinances of the city. Information may include such items as color and material samples.
- (8) Receipt of sign permit fee as established by the city's annual fee schedule.
- (9) Any sign permit application that fails to meet the requirements of this article shall be denied by the city.

(Ord. No. 231, § 1, 1-9-95)

SECTION 5: AMENDMENT “Sec 20-1255 Signs Allowed Without Permit”
of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1255 Signs Allowed Without Permit

The following signs are allowed without a permit:

- (a) Informational signs erected or required by a governmental entity or agency, including safety signs (O.S.H.A.), directional signs to public facilities, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like. Signs shall not exceed 16 square feet.
- (a) Site signage subject to the following conditions:
 - (1) Shall be a maximum of 4 square feet.
 - (2) The maximum height of the sign shall not exceed five feet from the ground.
 - (3) Shall not be placed to affect the safety of traffic or pedestrians.
 - (4) The placement of signs on the property shall not adversely affect adjacent properties or the general appearance of the site from public right-of-way
- (b) Windows signs subject to the following conditions:
 - (1) A maximum of 50% of all windows may contain a window sign. Window signs shall be limited to 30% of the window area on which it is located.
 - a. Window signs located on entrance doors to a business are exempt from this regulation.
 - (2) Signage visible through windows shall not blink, flash, scroll or have any constant illumination, when illuminated, nor be excessively bright as determined by the city.
- (c) Window coverings allowed under the following conditions:
 - (1) As required by local, state, or federal law.
 - (2) Screening or privacy.

- (3) Windows coverings shall comply with design standards for commercial, industrial, and office institutional developments, and design standards for the central business district zoning district.
- (d) Temporary commercial signs, searchlights, banners, etc. subject to the following conditions:
 - (1) Banners attached to the principle structure shall not exceed 140 square feet.
 - (2) Detached banners shall not exceed 32 square feet and six feet in height.
 - (3) Portable A-frame signs shall not exceed 8 square feet and four feet in height.
 - (4) Non-portable signs shall be a maximum of 25 square feet and eight feet in height.
 - (5) A business may display an attached or detached banner or portable sign on up to four occasions per calendar year, with a maximum ten-day display period for each occasion.
 - (6) Portable signs and detached banners shall not be located in the public right-of-way.
 - (7) No more than one portable sign or detached banner shall be permitted per business tenant at one time.
 - (8) Inflatable advertising devices for each site or center are limited to two occasions per calendar year with each occasion not to exceed seven days. The inflatable device shall not exceed 25 feet in height.
 - (9) The use of searchlights shall be limited to three occasions per year with each occasion not to exceed two days. The use of searchlights shall be controlled in such a way so as not to become a nuisance or safety hazard. Searchlights may not be illuminated between the hours of 12:00 midnight and 6:00 a.m.
 - (10) Shall be maintained in good condition.
- (e) Temporary Non-Commercial Signs subject to the following conditions:
 - (1) Signs shall not be located within public right-of-way.
 - (2) Shall not exceed 6 square feet.
 - (3) Shall not exceed 5 feet in height, as measured from grade to top of sign structure.
 - (4) Shall be maintained in good condition.

(Ord. No. 231, § 1, 1-9-95; Ord. No. 252, § 1, 4-8-96; Ord. No. 377, §§ 139, 140, 5-24-04; Ord. No. 423, §§ 9, 10, 6-12-06; Ord. No. 431, § 2, 9-25-06; Ord. No. 459, § 1, 9-24-07; Ord. No. 468, § 1, 8-11-08; Ord. No. 507, §§ 4, 5, 6-28-10; Ord. No. 510, § 1, 9-13-10; Ord. No. 632, § 18, 6-11-18)

SECTION 6: **AMENDMENT** “Sec 20-1256 Permit For Temporary Signs, Searchlights, Banners, Etc.” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1256 Permit For Temporary Signs, Searchlights, Banners, Etc.

SECTION 7: **AMENDMENT** “Sec 20-1258 Legal Action” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1258 Legal Action

If the city Community Development Director or an administrative officer finds that any sign regulated by this article is prohibited as to size, location, content, type, number, height or method of construction; or erected without a permit first being granted to the installer of the sign to the owner of the property upon which the sign has been erected or is improperly maintained, or is in violation of any other provision of this chapter, they shall give written notice of such violation to the owner or permittee thereof. If the permittee or owner fails to remove or alter the sign so as to comply with the provisions set forth in this chapter within ten calendar days following receipt of said notice:

- (a) Such permittee or owner may be prosecuted for violating this chapter and if convicted shall be guilty of a misdemeanor. Each day a violation exists shall constitute a separate offense.

(Ord. No. 231, § 1, 1-9-95)

SECTION 8: **AMENDMENT** “Sec 20-1259 Prohibited Signs” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1259 Prohibited Signs

The following signs are prohibited:

- (a) Signs on or attached to equipment, such as semitruck trailers.
- (b) Motion signs and flashing signs, except barber poles
- (c) Roof signs, except that a business sign may be placed on the roof, fascia or marquee of a building provided it does not extend above the highest elevation of the building, excluding chimneys, and provided:
 - (1) Roof signs shall be thoroughly secured and anchored to the frames of the building over which they are constructed and erected.
 - (2) No portion of roof signs shall extend beyond the periphery of the roof.
- (d) Wall graphics and design treatments depicting corporate logos and company symbols.
- (e) Temporary signs or banners except as permitted in section 20-1255.
- (f) Signs which are placed or tacked on trees, fences, utility poles or in the public right-of-way.
- (g) Bench signs are prohibited except for those installed/owned by a governmental unit and at designated transit stops as authorized by the local transit authority.
- (h) Billboards.
- (i) Temporary flag signs.

(Ord. No. 231, § 1, 1-9-95; Ord. No. 424, § 1, 7-24-06; Ord. No. 431, § 3, 9-25-06; Ord. No. 482, § 1, 8-10-09)

SECTION 9: **AMENDMENT** “Sec 20-1265 General Location Restrictions” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1265 General Location Restrictions

- (a) No freestanding sign or sign structure shall be closer than ten feet to any lot line. Signs shall not be located in the sight distance triangle of any private driveway or access. Signs shall not be located in any sight distance triangle of a public intersection.
- (b) Signs on nonresidential property which are immediately adjacent to residential uses or districts shall be positioned so that the copy is not visible along adjoining side and rear yard property lines.
- (c) No sign, other than governmental signs, shall be erected or placed upon any public street, right-of-way, or project over public property unless approved by the city and contingent upon an approved encroachment agreement. Temporary signs may not be erected or placed in a public easement unless approved by the city. No sign shall be placed within any drainage or utility easement without an approved encroachment agreement.
- (d) Signs shall not create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall duplicate traffic controls, unless the sign is intended to direct traffic on the premises.

- (e) No signs, guys, stays or attachments shall be erected, placed or maintained on rocks, fences or trees, nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
- (f) No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- (g)

(Ord. No. 231, § 1, 1-9-95; Ord. No. 431, § 5, 9-25-06; Ord. No. 451, § 11, 5-29-07)

SECTION 10: **AMENDMENT** “Sec 20-1267 Uniformity Of Construction, Design, Etc.” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1267 Uniformity Of Construction, Design, Etc.

- (a) All permanent signs shall be designed and constructed in a uniform manner and, to the extent possible, as an integral part of the building's architecture. Multi-tenant commercial and industrial buildings shall have uniform signage.
 - (1) All wall signage shall use individual dimension letters, at least one-half inch deep.
 - (2) Wall signs shall be either illuminated or non-illuminated and shall meet the following criteria:
 - a. Backlit or exposed lighting shall be architecturally compatible with the building and other signage if in a multi-tenant building.
 - b. If a neon sign is illuminated by exposed neon or LED, the luminous shall not to exceed 5,000 Nits between the hours of civil sunrise and civil sunset and not to exceed 500 Nits between the hours of civil sunset and civil sunrise.
 - c. If a sign is non-illuminated, downcast decorative lighting compatible with the building architecture may be used.
- (b) All permanent monument or pylon signs shall be designed and constructed in a uniform manner and, to the extent possible, as an integral part of the building's architecture. Multi-tenant commercial and industrial buildings shall have uniform signage.
 - (1) Letters on a monument sign shall use individual dimension letters, at least one-half inch deep.
 - (2) In multi-tenant buildings, tenant panels may be used and shall be exempt from the individual dimension letter requirement.
 - (3) All on-premise freestanding signs must have structural supports covered or concealed with pole covers. The actual structural supports should not be

exposed, and the covers should be architecturally and aesthetically designed to match the building.

- (4) No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the building official. Any canopy or awning sign shall have a minimum of an eight-foot clearance.
- (5) Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver. No such signs shall interfere with or obscure an official traffic sign or signal; this includes indoor signs which are visible from public streets. Illumination for a sign or groups of signs shall not exceed one-half foot candle in brightness as measured at the property line.

(Ord. No. 231, § 1, 1-9-95; Ord. No. 423, § 11, 6-12-06; Ord. No. 468, § 3, 8-11-08; Ord. No. 485, § 2, 10-12-09; Ord. No. 507, § 6, 6-28-10; Ord. No. 544, § 1, 6-25-12)

SECTION 11: **AMENDMENT** “Sec 20-1275 Construction Standards” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1275 Construction Standards

SECTION 12: **AMENDMENT** “Sec 20-1276 Electronic Message Center Signs” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1276 Electronic Message Center Signs

Electronic message center (EMC) signs and time and temperature signs shall comply with the following standards:

- (a) No electronic message center sign may be erected that, by reason of position, shape, movement or color interferes with the proper functioning of a traffic sign, signal or which otherwise constitutes a traffic hazard.
- (b) Public/Community signs, electronic and nonelectronic message center space used on a sign shall not exceed the following display area:

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Sign display area	EMC Display
0—24 sq. ft.	50%
25—64 sq. ft.	45%
65—80 sq. ft.	40%

- (c) Electronic message center signs for gas stations shall meet the following requirements:
 - (1) One single or double-sided EMC display area is permitted but shall not exceed 8 square feet per side of a monument or pylon sign.
- (d) Electronic message center displays shall not exceed 5,000 Nits between the hours of civil sunrise and civil sunset and shall not exceed 500 Nits between the hours of civil sunset and civil sunrise.
- (e) Electronic message center signs shall not cause direct glare, nor become a distraction due to excessive brightness.
- (f) The lamp wattage and luminance level in candelas per square meter (Nits) shall be provided at the time of permit applications.
- (g) There shall be no electronic message center signs in the front setback area within 50 feet of a street intersection (as measured from intersecting right-of-way lines) except where lighting for such sign is indirect or diffused and in no way constitutes a traffic hazard.
- (h) There shall be no electronic message center signs within 125 feet of a residential district.
- (i) Flashing, special effects or animated scenes on electronic message center signs shall be prohibited.
- (j) Electronic message center signs shall not be located in agricultural or residential zoning districts.
- (k) Electronic message center sign display use for signs within 500 feet of single-family residential homes shall be limited to the hours between 6:00 a.m. and 10:00 p.m.

(Ord. No. 482, § 2, 8-10-09)

SECTION 13: **AMENDMENT** “Sec 20-1302 Neighborhood Business, Fringe Business And Office And Institutional Districts” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1302 Neighborhood Business, Fringe Business And Office And Institutional Districts

The following signs shall be allowed by permit in any OI, BF or BN districts:

(a) *Monument Sign.* One monument business or institutional sign not exceeding 24 square feet of sign display area shall be permitted. Such sign shall be located at least ten feet from any property line and shall not exceed five feet in height.

(b) *Wall business signs.*

- (1) One wall business sign shall be permitted on the street frontage for each business occupant within a building. In buildings where individual entrances do not front on a public street, a wall sign may be permitted on the entrance facade consistent with the approved comprehensive sign plan.
- (2) The sign may contain the name, logo, company symbols, display messages, pictorial presentations, illustrations, or decorations of the business only and shall have a sign display area that is in compliance with the district standards. Wall business signs shall not be mounted upon the wall of any building which faces any adjoining residential district without an intervening building or street.
- (3) The total of all wall mounted sign display areas for each business shall not exceed the square footage established in the following table:

(4)	Wall Area in Square Feet	Maximum Percentage of Wall Area
	0-600	15%
	601-1,200	13%
	1,201-1,800	11%
	1,801-2,400	9%
	2,401-3,200	7%
	3,201-4,500	5%
	4,501+	3% not to exceed 275 square feet

- (c) Projecting Sign. A projecting sign may be permitted in accordance with the standards listed below.
 - (1) Must provide a clearance of 8' from the adjacent sidewalk or finished surface.
 - (2) Projecting signs shall only be located on the first floor and shall not exceed 6 square feet in sign area.
 - (3) Projecting signs are limited to a projection distance of not more than four (4) feet. This is measured from edge of building face to outer edge of the projecting sign furthest from the building face.
- (d) Canopy Sign. Canopy signs may be permitted as follows:
 - (1) A canopy sign shall not be installed in addition to a wall sign.
 - (2) Shall be limited to one per street frontage for each business occupant within a building.
 - (3) Signs shall adhere to permitted wall sign area.
- (e) Awning Sign. Awning Signs subject to the following conditions:
 - (1) Each business occupant or owner shall be limited to one awning sign.
 - (2) Shall not exceed 30% of the awning area, not to exceed 8 square feet.
 - (3) Shall not project from the surface of the awning.
- (f) Public/Community Sign. Public/community signs on property owned or leased by a governmental unit and operated by a governmental unit.
 - (1) One monument sign shall be permitted per site for each street frontage. Such sign shall not exceed 120 square feet in display area nor be greater than eight feet in height.
 - (2) Electronic message center signs may be permitted as part of the sign display area. Such sign does not require a conditional use permit.
 - (3) Electronic message center signs shall comply with the standards as stated in 20-1276:

(Ord. No. 231, § 1, 1-9-95; Ord. No. 377, § 143, 5-24-04; Ord. No. 409, § 7, 1-9-06; Ord. No. 409, § 7, 1-9-06; Ord. No. 468, §§ 4, 5, 8-11-08; Ord. No. 482, § 3, 8-10-09)

SECTION 14: **AMENDMENT** “Sec 20-1303 Highway, General Business Districts And Central Business Districts” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1303 Highway, General Business Districts And Central Business Districts

The following signs shall be allowed by permit in any "BH" and "BG" District:

The following table lists the standards for freestanding and ground low profile signs in the BH or BG zone.

Principal Structure	Pylon		Ground Low Profile	
	Height (feet)	Sign Size (square feet)	Height (feet)	Sign Size (square feet)
50,000 sq. ft. or greater	20	80	10	80
Less than 50,000 sq. ft.	16	64	8	64

- (a) *Pylon Sign*. Pylon signs are permitted on parcels that abut state highway corridors only. One pylon identification sign shall be permitted. This sign may identify the name of the center or the major tenants. The height and square footage of the sign shall be based on the square footage of the principal structure as shown in the table. Such signs shall be located at least ten feet from any property line.
- (b) *Monument Sign*. One monument business sign shall be permitted per each outlot or separate building pad that has street frontage. The height and square footage of the sign shall be based on the table above. Such signs shall be located at least 300 feet from any other pylon or ground sign on the parcel and at least ten feet from any property line.
- (c) *Wall business signs*.
- (1) One wall business sign shall be permitted on the street frontage for each business occupant within a building. In buildings where individual entrances do not front on a public street, a wall sign may be permitted on the entrance facade consistent with the approved comprehensive sign plan.
 - (2) Wall business signs shall not be mounted upon the wall of any building which faces any adjoining residential district without an intervening building or street.
 - (3) The total of all wall mounted sign display areas for each business shall not exceed the square footage established in the following table:

(4)	Wall Area in Square Feet	Maximum Percentage of Wall Area
	0-600	15%
	601-1,200	13%
	1,201-1,800	11%
	1,801-2,400	9%
	2,401-3,200	7%
	3,201-4,500	5%
	4,501+	3% not to exceed 275 square feet

(d) Projecting Sign. A projecting sign may be permitted in accordance with the standards listed below.

- (1) Must provide a clearance of 8' from the adjacent sidewalk or finished surface.
- (2) Projecting signs shall only be located on the first floor and shall not exceed 6 square feet in sign area.
- (3) Projecting signs are limited to a projection distance of not more than four (4) feet. This is measured from edge of building face to outer edge of the projecting sign furthest from the building face.

(e) Canopy Sign. Canopy signs may be permitted as follows:

- (1) A canopy sign shall not be installed in addition to a wall sign.
- (2) Shall be limited to one per street frontage for each business occupant within a building.
- (3) Signs shall adhere to permitted wall sign area.

(f) Awning Sign. Awning Signs subject to the following conditions:

- (1) Each business occupant or owner shall be limited to one awning sign.
- (2) Shall not exceed 30% of the awning area, not to exceed 8 square feet.
- (3) Shall not project from the surface of the awning.

(g) Drive-Through Sign. . One sign per restaurant drive-through aisle is permitted with a drive-through facility. Such sign shall not exceed 45 square feet in size, nor greater than eight feet in height. Such sign is permitted in addition to any other sign permitted in the zoning district.

(Ord. No. 314, § 2, 3-26-01; Ord. No. 377, §§ 144, 145, 5-24-04; Ord. No. 409, § 8, 1-9-06; Ord. No. 468, § 4, 8-11-08; Ord. No. 628, § 49, 12-11-17)

SECTION 15: **AMENDMENT** “Sec 20-1304 Industrial Office Park Signs” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1304 Industrial Office Park Signs

The following signs shall be allowed by permit in any IOP district:

- (a) *Pylon Sign.* Pylon signs are permitted on parcels that abut state highway corridors only. One pylon or one ground low profile industrial office park identification sign shall be permitted. A pylon sign shall not exceed 80 square feet on a state highway in sign area and shall not exceed 20 feet in height. Such sign shall be located at least ten feet from any property line.
- (b) *Monument Sign.* One monument business sign shall be permitted per site for each street frontage. Such sign shall not exceed 64 square feet, except on a state highway, in display area nor be greater than eight feet in height. Such sign shall be located at least ten feet from any property line. A ground low profile on a state highway may not exceed 80 square feet and eight feet in height. Such sign shall be located at least ten feet from any property line.
- (c) *Wall business signs.*
 - (1) One wall business sign shall be permitted on the street frontage for each business occupant within a building. In buildings where individual entrances do not front on a public street, a wall sign may be permitted on the entrance facade consistent with the approved comprehensive sign plan.
 - (2) The sign may contain the name, logo, company symbols, display messages, pictorial presentations, illustrations, or decorations of the business and shall have a sign display area that is in compliance with the district standards. Wall business signs shall not be mounted upon the wall of any building which faces any adjoining residential district without an intervening building or street.
 - (3) The total of all wall mounted sign display areas for each business shall not exceed the square footage established in the following table:

(4)	Wall Area in Square Feet	Maximum Percentage of Wall Area
	0-600	15%

601-1,200	13%
1,201-1,800	11%
1,801-2,400	9%
2,401-3,200	7%
3,201-4,500	5%
4,501+	3% not to exceed 275 square feet

(Ord. No. 231, § 1, 1-9-95; Ord. No. 314, § 3, 3-26-01; Ord. No. 377, §§ 146, 147, 5-24-04; Ord. No. 409, § 9, 1-9-06; Ord. No. 452, § 4, 7-9-07; Ord. No. 459, § 2, 9-24-07; Ord. No. 468, § 4, 8-11-08)

SECTION 16: **ADOPTION** “Sec 20-1305 Central Business District Signs” of the Chanhassen Municipal Code is hereby *added* as follows:

ADOPTION

Sec 20-1305 Central Business District Signs(*Added*)

Sec 20-1305 Central Business District Signs

- (a) Wall Sign. One wall sign shall be permitted per street frontage for each business occupant within a building. In buildings where individual entrances do not front on a public street, a wall sign may be permitted on the entrance façade.

(b)	Wall Area in Square Feet	Maximum Percentage of Wall Area
	0-600	9%
	601-1,200	8%
	1,201-1,800	7%
	1,801-2,400	6%
	2,401-3,200	5%
	3,201-4,500	4%
	4,501+	3% not to exceed 275 square feet

- (c) Monument Sign. One monument sign shall be permitted per building and shall be limited to 4 feet in height and 32 square feet in size. Such signs shall be located at least

ten feet from any property line.

- (d) Pylon Sign. Pylon signs are prohibited.
- (e) Projecting Sign. One projecting sign is permitted per business in accordance with the standards listed below.
 - (1) Must provide a clearance of 8' from the adjacent sidewalk or finished surface.
 - (2) Projecting signs shall only be located on the first floor and shall not exceed 6 square feet in sign area.
 - (3) Projecting signs are limited to a projection distance of not more than four (4) feet. This is measured from edge of building face to outer edge of the projecting sign furthest from the building face.
- (f) Canopy Sign. Canopy signs may be permitted as follows:
 - (1) A canopy sign shall not be installed in addition to a wall sign.
 - (2) Shall be limited to one per street frontage for each business occupant within a building.
 - (3) Signs shall adhere to permitted wall sign area.
- (g) Awning Sign. Awning Signs subject to the following conditions:
 - (1) Each business occupant or owner shall be limited to one awning sign.
 - (2) Shall not exceed 30% of the awning area, not to exceed 8 square feet.
 - (3) Shall not project from the surface of the awning.
- (h) Signage shall adhere to the Downtown Design Guidelines.

SECTION 17: AMENDMENT “Sec 20-1301 Agricultural And Residential Districts” of the Chanhassen Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 20-1301 Agricultural And Residential Districts

The following signs are allowed by permit in the A-2, RR, RSF, R-4, RLM, R-8, R-12, R-16, and residential PUD districts:

- (a) *Public and institutional signs.* One monument or wall sign, not exceeding 24 square feet of sign display area, shall be permitted on the premises of any public or institutional property giving the name of the facility and nature of the use and occupancy. Such sign shall be located at least ten feet from any property line, and shall not exceed five feet in height.
- (b) *Area identification/entrance signs.* Only one monument sign may be erected at the entrance(s). Total sign area shall not exceed 24 square feet of sign display area, nor be more than five feet high. More than one sign per entrance may be erected, provided that the total sign area does not exceed 24 square feet. Any such sign or monument

shall be designed with low-maintenance, high quality materials. The adjacent property owner or a homeowners association shall be responsible for maintenance of the identification/entrance sign and surrounding grounds and landscaped areas. Such sign shall be located so as not to conflict with traffic visibility or street maintenance operation, and shall be securely anchored to the ground.

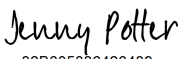
- (c) *Nonresidential uses*. Only one monument sign may be permitted on the site. The total sign area shall not exceed 24 square feet of sign display area, nor be more than five feet in height.

(Ord. No. 231, § 1, 1-9-95; Ord. No. 252, § 2, 4-8-96; Ord. No. 314, § 1, 3-26-01; Ord. No. 377, § 142, 5-24-04)

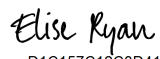
SECTION 2. This ordinance shall be effective immediately after its passage and publication.

PASSED AND ADOPTED this 13th day of April 2026 by the City Council of the City of Chanhassen, Minnesota.

ATTEST:

DocuSigned by:

32B605836426439

Jenny Potter, City Clerk

Signed by:

D1C157C12C0D419

Elise Ryan, Mayor

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