

3800 Laverne Avenue North
Lake Elmo, MN 55042

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, October 12, 2015 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. September 28, 2015
4. Public Hearings – None
5. Business Items
 - a. ZONING ORDINANCE USE CLASSIFICATIONS REVIEW. The Planning Commission will review the distribution of permitted, conditional, and interim uses across all zoning districts. This discussion will include consideration of where cemeteries are allowed in the City.
 - b. COMPREHENSIVE PLAN UPDATE DISCUSSION – The Planning Commission will continue discussion on the upcoming Comprehensive Plan update.
6. Updates
 - a. City Council Updates – October 6, 2015 Meeting
 - i. Kleis Minor Subdivision – Passed.
 - ii. Halcyon Cemetery – denied.
 - b. Staff Updates
 - i. Upcoming Meetings:
 - October 26, 2015
 - November 9, 2015
 - c. Commission Concerns
7. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of September 28, 2015**

Chairman Dodson called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Dodson, Dorschner, Fields, Haggard, Larson, Williams, Griffin and Kreimer

COMMISSIONERS ABSENT: None

STAFF PRESENT: Community Development Director Klatt and Interim Administrator Schroeder

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: September 14, 2015

M/S/P: Kreimer/Fields, move to approve minutes as presented, **Vote: 5-0, motion carried unanimously, Larson Williams and Griffin did not vote.**

Business Item: System Statement Discussion

Klatt began his presentation regarding the System statement. Beyond the forecast section, the system statement includes a section on transportation, water resources and parks. Important questions that will need to be addressed in the Comprehensive Plan update will be the Gold Line, the Management of subsurface sewage treatment systems and the integration of the regional trail system with local parks and trail plans.

The system statement is done on a 10 year cycle. There is a small window of time in which to submit comments to the Met Council before the system statement becomes final.

There was a discussion about rural areas and subsurface treatment systems. We need to plan to put infrastructure in when the opportunity is there.

Williams feels we need to look at our regulations regarding the OP developments and perhaps strengthen the language for replacement of the community septic systems. Dodson mentioned at the last meeting the Commission touched on discussing if we even wanted to continue to allow the open space developments. Dorschner thinks that

as part of that discussion we should be talking to environmental experts regarding the risks of these systems.

The housing plan section includes affordable housing. The city has been allocated 508 units. This number is not a mandate and there are no penalties if we don't meet this. However, if we choose to apply for grant money, there is more regulatory oversight.

The city must be compliant with the Met Council's Transportation Policy Plan. The Gateway corridor gold line will be key for Lake Elmo. The City will need to plan for transit stops and transit stations. The city is doing a market study to determine what type of development would work around these transit stations.

Dodson asked how important transportation is in relation to where people live. Klatt stated it is a critical component. Klatt stated the market study will be started this fall and we should get some info in early 2016.

There was some discussion regarding the impaired lakes status.

Regional Parks – the key issue is regional bike trails. Dodson stated that bike trails for transportation vs for recreational purposes are different. The Commission discussed trails and how to manage County owned, City owned and private trails. There was also some discussion regarding Tartan Park.

The Commission feels there should be a joint session with the Park Commission to determine what the Park Plan should be and what role each Commission should play.

Klatt stated that they are looking at doing an interim Comprehensive Plan update prior to the 2018 Comprehensive Plan update.

Klatt presented several scenarios to consider for reducing the projected households. 1627 units can be rebalanced. Klatt presented 5 scenarios on how that might be accomplished. There was a discussion on what the Met Council considers allocation units. How does housing equate to jobs or commercial.

Williams talked about how the MOU dealt in REC units and here we are only talking about population and housing. Shouldn't we be talking about REC units as well? Klatt stated that yes we should. Williams also asked if the Met Council will allow us to take out some of the high density housing. They did in the past as we still had a high enough average overall.

Williams stated that before we can look at the rural numbers, we have to discuss what types of development we will allow in those areas. He stated he would like to see the City go back to Rural Estates type developments. He would like to see 2.5 acre lots. Whether you have a large piece of land or just split a 5 acre lot in two, he is ok with that.

Council Updates – September 15, 2015 Meeting

1. Savona 3rd Addition Final Plat – Passed.
2. Savona 3rd Addition Development Agreement – Passed.

Staff Updates

1. Upcoming Meetings
 - a. October 12, 2015
 - b. October 28, 2015
2. Government Training Sessions – Funds are available for attendance.
3. Manning Ave Phase I project will be voted on in October.
4. Council voted on a Manning Ave redesign to have a cul-de-sac on old Hwy 5.
5. Gateway will come back on October 20th with a preferred option.

Commission Concerns

Dorschner was wondering if they could get an updated map showing all the developments with status and number of units.

Meeting adjourned at 9:15 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



PLANNING COMMISSION
DATE: 10/12/15
AGENDA ITEM: 5A – BUSINESS ITEM
CASE # 2015-033

ITEM: Zoning Text Amendment – Review of Zoning District Use Classifications
SUBMITTED BY: Kyle Klatt, Community Development Director *KK*
REVIEWED BY: Planning Commission

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review the City’s overall assignment of different uses between various zoning districts within the City. At a more specific level, Staff is recommending that the Commission consider revisions to remove cemeteries as a permitted use in Agriculture and Rural Residential Zoning Districts.

GENERAL INFORMATION

Applicant: City of Lake Elmo
Property Owners: N/A
Location: N/A – Staff is requesting that the Planning Commission review uses on a City-wide basis.
Request: The Planning Commission is being asked to review the City’s use classifications as regulated across all zoning districts within the City. If the Commission elects to make any changes, Staff is recommending that a public hearing be scheduled for the next meeting in order to hold a public hearing on these changes.
Existing Land Use: N/A
Existing Zoning: N/A
Surrounding Land Use: N/A
Surrounding Zoning: N/A
Comprehensive Plan: N/A
Proposed Zoning: N/A
History: The Planning Department has been working on a complete update to the City’s Zoning Ordinance, and over the past three years has brought forward amendments to nearly all of the individual zoning districts used throughout the code. This included revising existing districts to being them up to date with the new code and to also adopt completely new zoning districts for the City’s future sewer service areas. As part of this work, the City has approved a completely revamped use classification system that is intended to improve consistency throughout the ordinance.

Applicable Regulations: Zoning District Provisions (154.350 through 154.600)

BACKGROUND

The City has recently taken action to deny a preliminary and final plat associated with a cemetery proposed on property zoned RR – Rural Residential. During the City’s review of this project, the Planning Commission and City Council both questioned the reasons for allowing this particular use in the RR district, and the Planning Commission was directed to further consider whether or not the City should amend the code to eliminate (or change) the zoning for cemeteries. With the recent action taken by the Council to deny the cemetery request, Staff is now bringing the zoning issue back for discussion by the Planning Commission.

Because it has been a little while since the City has reviewed the list of uses allowed in any specific zoning district, Staff would like to take some time at the next Planning Commission meeting to review all uses and the distribution of these uses across all of the approved zoning districts. To help the Planning Commission with this review, Staff has created a chart that list each individual zoning district along with each separate use classification defined by the Zoning Ordinance. By working across the chart, the Commission will be able to see in which districts each type of use is allowed, either as a Permitted Use (P), Conditional Use (C), or Interim Use (I). If the use is not allowed in a particular district, the column is blank.

The intent of this exercise is to ensure that the uses as allowed throughout the City are consistent with the intent and purpose of the Comprehensive Plan. The Planning Commission is therefore asked to review all of the uses and discuss any potential changes with Staff at its meeting. If there are any changes proposed, Staff is recommending that these changes be considered at a public hearing at the Commission’s next meeting.

There is a second chart attached to this report that includes the districts that have not yet been updated into the new zoning code. As you will see, there are several older uses that no longer fit with the revised zoning ordinance. At some point, these districts will need to be updated to be integrated with the updated ordinance.

STAFF REVIEW COMMENTS:

Staff will review the list of uses and districts with the Commission at its meeting and be available to answer any questions concerning the attached chart at this time. To help with this review, Staff has also attached a copy of the definitions for each of the separate use classifications.

RECCOMENDATION:

Staff recommends that the Planning Commission review the proposed tables and direct Staff to amend the chart as deemed necessary to improve consistency between the Comprehensive Plan and the Zoning Ordinance.

ATTACHMENTS:

1. Zoning and Use Chart – New Zoning Districts
2. Zoning and Use Chart – Zoning Districts Not Updated
3. Definitions – Use Classifications

ORDER OF BUSINESS:

- Introduction Community Development Director
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

| Types of uses | RT | AG | RR | RS | RE | LDR | MDR | HDR | VMX | LC | CC | C | BP |
|-------------------------------------|----------------|----------------|----|----|----|-----|-----|-----|-----|----|----|---|----|
| Commercial Stable | - | C | - | - | - | | | | | | | | |
| Communication Services | | | | | | | | | P | C | C | P | P |
| Education Services | | | | | | | | | P | P | P | P | P |
| Financial Institution | | | | | | | | | P | P | P | P | P |
| Funeral Home | | | | | | - | - | C | C | - | C | P | - |
| Lodging | | | | | | | | | C | - | - | P | C |
| Medical Facility | | | | | | | | | C | - | - | C | C |
| Membership Organization | | | | | | | | | C | P | P | P | - |
| Nursing & Personal Care | | | | | | - | - | C | C | C | C | C | - |
| Offices | | | | | | - | - | C | P | P | P | P | P |
| Personal Services | | | | | | - | - | C | P | P | P | P | - |
| Repair & Maintenance Shop | | | | | | - | - | C | C | - | - | P | - |
| Self Service Storage Facility | I ^a | I ^a | - | - | - | | | | | - | - | C | C |
| Trade shop | | | | | | | | | C | - | - | P | - |
| Transportation Services | | | | | | | | | | - | - | - | C |
| Veterinary Services | | | | | | | | | C | P | P | P | C |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | I | I | I | - | - | | | | | | | | |
| Agricultural Entertainment Business | P | P | P | - | - | | | | | | | | |
| Agricultural Production | I | I | I | - | - | | | | | - | I | P | - |
| Agricultural Sales Business | C | C | - | - | - | | | | | - | - | C | - |
| Agricultural Services | | | | | | | | | | - | - | C | - |
| Agricultural Support | | | | | | | | | | | | | |
| Farmers Market | | | | | | | | | C | | | | |
| Forestry Operations | - | P | - | - | - | | | | | | | | |
| Garden Center | | | | | | | | | C | | | | |
| Greenhouses, Non Retail | C | C | C | - | - | | | | | - | - | - | - |
| Neighborhood Convenience Store | | | | | | - | - | C | P | - | P | P | - |
| Retail Trade ¹ | | | | | | | | | P | | | | |
| Shopping Center | | | | | | | | | | | | | |
| Wayside Stand | P | P | P | - | - | P | P | P | P | P | P | P | P |
| General Retail Sales | | | | | | | | | | C | P | P | C |
| Building Supply Sales | | | | | | | | | | - | - | C | - |

Sales of Merchandise/Agricultural uses

- Agricultural Entertainment Business
- Agricultural Production
- Agricultural Sales Business
- Agricultural Services
- Agricultural Support
- Farmers Market
- Forestry Operations
- Garden Center
- Greenhouses, Non Retail
- Neighborhood Convenience Store
- Retail Trade¹
- Shopping Center
- Wayside Stand
- General Retail Sales
- Building Supply Sales

| Types of uses | RT | AG | RR | RS | RE | LDR | MDR | HDR | VMX | LC | CC | C | BP |
|--|----------------|----|----|----|----|-----|-----|-----|-----|----|----|---|----|
| Indoor Recreation/Entertainment | | | | | | | | | | | | | |
| Indoor Athletic Facility | | | | | | | | | C | - | C | P | C |
| Indoor Recreation | | | | | | | | | C | - | - | C | - |
| Adult Establishment | | | | | | | | | | - | - | - | C |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Transportation and Communications | | | | | | | | | | | | | |
| Broadcasting or Communications Facility | | | | | | | | | C | C | C | C | C |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Accessory Uses | | | | | | | | | | | | | |
| Home Occupation | P | P | P | P | P | P | P | P | P | - | - | - | - |
| Bed & Breakfast | C | C | C | - | - | C | C | C | C | - | - | - | - |
| Domestic Pets | P | P | P | P | P | P | P | P | P | | | | |
| Drive-through facility | | | | | | | | | | | | | |
| Family Day Care | P | P | P | P | P | P | P | P | P | - | C | C | - |
| Group Family Day Care | | | | | | C | C | C | C | - | - | - | - |
| Kennel, Private | C | C | C | - | - | | | | | | | | |
| Stable, Private | C | C | C | - | - | | | | | | | | |
| Temporary Sales | P | P | P | P | P | P | P | P | P | | | | |
| Parking Facility | | | | | | | | | | | | | |
| Solar Equipment | P | P | P | P | P | P | P | P | P | C | C | P | P |
| Outdoor Storage | | | | | | | | | | | | | |
| Outdoor Display | | | | | | | | | | | | | |
| Swimming pools, hot tub and the like | P | P | P | P | P | P | P | P | P | | | | |
| Water oriented accessory Structures | P | P | P | P | P | P | P | P | P | | | | |
| Commercial Wedding Venue | I | I | I | - | - | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Other structures typically incidental and clearly subordinate to permitted use | P | P | P | P | P | P | P | P | P | P | P | P | P |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Industrial and Extractive uses | | | | | | | | | | | | | |
| Motor Freight and Warehousing | I ^a | - | - | - | - | | | | | | | | C |
| Heavy Industrial | | | | | | | | | | | | | - |
| Landfill | | | | | | | | | | | | | - |

Types of uses

Indoor Recreation/Entertainment

Indoor Athletic Facility

Indoor Recreation

Adult Establishment

Transportation and Communications

Broadcasting or Communications Facility

Accessory Uses

Home Occupation

Bed & Breakfast

Domestic Pets

Drive-through facility

Family Day Care

Group Family Day Care

Kennel, Private

Stable, Private

Temporary Sales

Parking Facility

Solar Equipment

Outdoor Storage

Outdoor Display

Swimming pools, hot tub and the like

Water oriented accessory Structures

Commercial Wedding Venue

Other structures typically incidental and clearly subordinate to permitted use

Industrial and Extractive uses

Motor Freight and Warehousing

Heavy Industrial

Landfill


Types of uses

- Light Industrial
- Non-production Industrial
- Research and Testing
- Resource extraction
- Salvage/recyclable Center

Open Space Preservation Development

- OP Development
- OP - Alt Development

| | RT | AG | RR | RS | RE | LDR | MDR | HDR | VMX | LC | CC | C | BP |
|---------------------------|----|----|----|----|----|-----|-----|-----|-----|----|----|---|----|
| Light Industrial | | | | | | | | | | - | - | - | C |
| Non-production Industrial | | | | | | | | | | - | - | - | C |
| Research and Testing | | | | | | | | | | - | - | - | C |
| Resource extraction | | | | | | | | | | - | - | - | - |
| Salvage/recyclable Center | | | | | | | | | | - | - | - | - |
| OP Development | - | C | C | - | - | | | | | | | | |
| OP - Alt Development | - | C | C | - | - | | | | | | | | |

 = are these the same

Note: some of these uses have additional restrictions in ordinance

Permitted and Conditional uses - Old zoning districts

| Types of uses | OP | P | OP-Alt |
|--|----|---|--------|
| Residential Uses | | | |
| Household Living | | | |
| Single-family Detached Dwelling | P | | |
| Single-family attached Dwelling | P | | |
| Townhouses | P | P | |
| | | | |
| Group Living | | | |
| Senior Housing | | P | |
| | | | |
| Public & Civic Uses | | | |
| Facilities for Local, County & State Gov | | C | |
| Schools, Public & Private | | C | |
| Cemetery | | C | |
| Places of Worship | | C | |
| Libraries and Museums | | C | |
| Historic Sites and Interpretive Centers | | C | |
| The Keeping of Horses | | I | |
| Farm Schools | | P | |
| | | | |
| Sales of Merchandise/Agricultural uses | | | |
| Agriculture | P | | |
| Suburban Farm | P | | |
| Wayside Stand | P | | |
| | | | |
| Accessory Uses | | | |
| Stable, Private | P | | |
| Other structures typically incidental and clearly subordinate to permitted use | P | P | |
| | | | |

Types of uses

Open Space Preservation Development

Preserved Open Space

Conservation Easements

| | OP | P | OP-Alt |
|---|----|---|--------|
| | | | |
| P | | | |
| P | | | |

Note: some of these uses have additional restrictions in ordinance

[Type text]

DEFINITIONS

§ 154.009 INTRODUCTION AND PURPOSE.

The purpose of this article is to define general terms used in this zoning ordinance, to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts, and to establish the rules for interpretation of language in this ordinance.

(Ord. 2012-062, passed 9-18-2012)

§ 154.010 INTERPRETATION OF CERTAIN TERMS.

In the construction of this zoning ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise:

- (A) The present tense shall include the future.
- (B) The singular number shall include the plural, and the plural the singular.
- (C) The word “shall” is mandatory, and not discretionary.
- (D) The word “may” is permissive.
- (E) The word “should” is advisory.
- (F) The word “building” includes the word “structure.”
- (G) The words “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- (H) The word “lot” shall mean “zoning lot” unless otherwise specified in this ordinance.
- (I) The words “lot,” “parcel,” or “premises” may be used interchangeably.
- (J) All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken.

(Ord. 2012-062, passed 9-18-2012)

§ 154.011 GENERAL DEFINITIONS.

Unless specifically defined in this chapter, common definitions, words and phrases used in this chapter shall be interpreted as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

(Ord. 2012-062, passed 9-18-2012)

§ 154.012 ZONING USE TYPES AND CLASSIFICATIONS.

[Type text]

(A) Rules of Interpretation for Zoning Use Types and Classifications.

(1) *Purpose of Use Types.* The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts. The Use Types section also facilitates the process of determining the applicable use type of any activity not clearly within any defined use type.

(2) *Interpretation.* In the event of any question as to the appropriate use type of any existing or proposed use or activity, the Planning Director shall have the authority to determine the appropriate use type. In making such a determination, the Planning Director shall consider the operational and physical characteristics of the use in question and shall consider the classification contained in the most recent edition of the Standard Industrial Classification Manual published by the U.S. Office of Management and Budget. In addition, the Planning Director shall consider the specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The Planning Director may also determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this chapter.

(3) *Determinations in writing.* The Planning Director shall make such determinations of appropriate Use Types in writing, which shall include an explanation of the reasons for the determination.

(4) *Appeal.* A determination of the Planning Director may be appealed to the Board of Adjustment pursuant to the procedures for administrative appeals outlined in § 31.10.

(B) Use types and classifications.

(1) *Residential and related uses.*

(a) *Family living.*

1. *Live-Work Unit.* A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

2. *Manufactured Home Park.* A development on a site under a single ownership which consists of two or more spaces for the placement of manufactured homes for dwelling or sleeping purposes, regardless of whether or not a fee is charged for the utilization of such space.

3. *Multi Family Residential.* A building containing three (3) or more dwelling units. The term includes cooperative apartments and condominiums, but not condominium-hotels. (See CONDOMINIUM and CONDOMINIUM-HOTEL under § 11.01.)

4. *Secondary Dwelling.* A residential dwelling unit, but not a manufactured home, located on the same lot as a single family dwelling unit, either within the principal structure, above a detached garage, or within a detached structure.

5. *Single Family Attached.* A building containing one dwelling unit attached to another building containing only one dwelling unit, with each building on a separate lot.

6. *Single Family Detached.* A building containing only one dwelling unit, surrounded by landscape area or yards on all sides.

7. *Two-Family or Duplex.* A building on a single lot or adjacent lots containing two dwelling units, either side-by-side or stacked vertically.

(b) *Group Living.*

[Type text]

1. *Congregate Housing.* A dwelling providing shelter and services for the elderly, which may include meals, housekeeping, and personal care assistance and minor medical services, but not intermediate, long term, or extended nursing care for residents.
2. *Correctional Facilities.* A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.
3. *Group Home.* A residence shared by six or fewer handicapped persons in addition to resident staff, who live together as a single housekeeping unit and in a long-term, familylike environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.
4. *Group Residential Facility.* A licensed public or private establishment, which, for gain or otherwise, regularly provides one or more dependents with 24-hour a day substitute for the care, food, lodging, training, education, supervision, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the dependent's own home. This term includes, but is not limited, to state institutions under the control of the Commissioner of Public Welfare, foster homes, maternity shelters, group homes as defined herein with seven or more residents, schools for handicapped children, and homes for battered children or battered spouses.
5. *Halfway House.* An establishment providing accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol, drug addiction or other similar disorders, or to persons re-entering society after being released from a correctional facility or other institution.
6. *Semi-Transient Accommodations.* Semi-transient accommodations include boarding houses, rooming houses, fraternity and sorority houses, or lodging rooms, as defined by this chapter. Semi-transient accommodations do not include CONDOMINIUM-HOTELS, as defined in § 11.01.

(2) *Public and Civic Uses.*

- (a) *Cemetery.* Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
- (b) *Colleges and Universities.* Institutions of higher learning which offer courses of general or specialized study leading to a degree or certificate. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
- (c) *Community Services.* Establishments of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities may incorporate membership provisions, and are open to the general public to join at any time {for instance, any senior citizen could join a senior center}. The use may also provide special counseling, education, or training of a public, non-profit, or charitable nature. Accessory uses may include offices, meeting areas, food preparation areas, parking, health and therapy areas, day care uses, and athletic facilities. Examples include libraries, museums, senior centers, community centers, social service facilities, early childhood learning facilities, and other special educational services.

[Type text]

(d) *Day Care Center.* Any facility operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a 24 hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24 hour period.

(e) *Public Assembly.* Facilities owned and operated by a public or quasi-public agency accommodating public assembly for non-recreation purposes. Typical uses include auditoriums, convention facilities, exhibition facilities, convention halls, or armories.

(f) *Religious Institutions.* Establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

(g) *Schools, Public and Private.* Establishments at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private daytime schools, boarding schools, and military academies. Exemptions: 1) preschools are classified as day care facilities, and 2) business and trade schools are classified as educational services.

(3) *Services.*

(a) *Business Center.* A building or group of buildings planned, constructed, and managed as a total entity, with common on-site parking for a group of commercial service establishments, with office uses also permitted. In the central business district, the requirement for common on-site parking need not be met in order to classify a development as a business center.

(b) *Business Services.* Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, and computer programming/data processing services.

(c) *Commercial Kennel.* The boarding, breeding, raising, grooming or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

(d) *Commercial Stable.* The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies.

(e) *Communication Services.* Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms. Excluded from this use type are facilities classified as essential services or broadcasting and communications towers. Typical uses include television studios, telecommunications service centers, telegraph service offices or film and sound recording facilities.

(f) *Educational Services.* Establishments engaged in furnishing specialized academic or technical courses, normally on a fee basis, such as vocational or correspondence schools, barber college, data processing schools, or secretarial schools, along with non-degree granting schools such as post secondary colleges and universities, martial arts, music, art, ceramic, and dramatic, schools, and dance instruction.

(g) *Financial Institution.* Provision of financial and banking services to consumers or clients. Walk-in and drive-in services are generally provided on site. Typical uses include banks, savings and loan

[Type text]

associations, savings banks, credit unions, lending establishments, and drive-up automatic teller machines (ATMs).

(h) *Funeral Home*. Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

(i) *Lodging*. See Transient Accommodations.

(j) *Medical Facilities*. Establishments engaged in providing diagnostic services, extensive medical treatment (including surgical services), and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio-medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including animal hospitals.

(k) *Membership Organization*. Organizations operating on a membership basis for the promotion of the interests of the members included such uses as trade associations, business associations, professional membership organizations, labor unions, civic or fraternal organizations, but not including churches, hospitals, golf and country clubs, or credit unions.

(l) *Nursing and Personal Care*. Establishments primarily engaged in providing intermediate or long-term nursing and health related care to individuals, typically classified as nursing homes.

(m) *Offices*. A building or portion of a building use for office purposes by a business, service, professional, or institutional establishment, including medical offices or clinics, studios for those involved in art, sculpture, music, and the like, and all other establishments similar in character.

(n) *Personal Services*. Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as barber shops, clothing rental, salons and health clubs, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants) or coin operated laundries.

(o) *Repair and Maintenance Shop*. Establishments engaged in miscellaneous repair services, primarily of household oriented products such as radios, televisions, washers and dryers, furniture (including re-upholstery), small engine repair, bicycles, or locksmiths.

(p) *Self service Storage Facility*. An establishment designed and utilized for the purpose of renting or leasing individual storage spaces to tenants who have sole private access to such space for storing personal property.

(q) *Trade Shop*. Any lot, land, building, or structure that serves as the headquarters for contractors involved in specialized activities such as plumbing, painting, plastering, masonry, carpentry, roofing, well drilling, landscaping and the like, where tools, equipment and materials used in the business are stored. The category also includes establishments involved in specialized trades such as sheet metal, sign painting, drapers, and exterminators.

(r) *Transient Accommodations, Lodging*. Establishments in which lodging is provided and offered to the public for compensation, and which is open primarily to transient guests, as distinguished from semi-transient boarding or rooming facilities. Typical uses include hotels, motels, and inns. Meeting and restaurant facilities may be included accessory to this use type. Condominium-hotels shall be considered as a type of transient accommodation.

(s) *Transportation Services*. Establishments furnishing services related to the arrangement of persons and goods movements, such as freight forwarding, parking services or the rental/leasing of

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automobiles or two-axle trucks.

(t) *Veterinary Service.* Establishments engaged in the practice of veterinary medicine, dentistry or surgery, along with those providing animal related services such as kennels, grooming, or breeding services.

(4) *Food Service.*

(a) *Drinking and Entertainment.* Establishments primarily engaged in the selling of drinks for consumption on the premises, where entertainment may be provided and the incidental sale of prepared food for consumption on the premise is permitted. These establishments may often charge a fee or admission charge for the entertainment provided. Included in this category are bars, beer gardens, discotheques, nightclubs, taverns, and dance halls.

(b) *Drive-In Restaurant.* An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter and a drive-up or drive through service facility or which offers curb service.

(c) *Fast Food Restaurant.* An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter. This use type does not employ a drive-up or drive-through service facility, and does not offer curb service.

(d) *Standard Restaurant.* An establishment whose principal business is the sale of food and/or beverage to customers in a ready to consume state, and whose principal method of operation includes one or both of the following: 1) customers, normally provided with an individual menu, are served their food and beverage by restaurant employees at the same table or counter at which the food and/or beverage are consumed, 2) a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

(5) *Sales of Merchandise.*

(a) *Garden Center (Retail Agriculture).* Establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, retail greenhouses, plant stores, and lawn and garden centers.

(b) *Neighborhood Convenience Store.* Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

(c) *Retail Trade.* 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. These establishments are characterized by the following: 1) they buy and receive as well as sell merchandise; 2) they may process some products, but such processing is incidental or subordinate to the selling activities; and 3) they predominantly sell to customers for their own personal or household use. Retail trade is divided into the following subcategories for the purposes of this chapter.

1. General retail.
2. Antiques and collectibles store.
3. Art gallery.
4. Bicycle sales and repair.

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5. Book store, music store.
6. Clothing and accessories.
7. Craft or needlework shop.
8. Drugstore, pharmacy.
9. Electronics and appliance sales and repair.
10. Florists.
11. Specialty food store, including bakery, butcher shop, delicatessen, and the like.
12. Jewelry store.
13. Hardware store.
14. News stands, magazine sales.
15. Pet store.
16. Photographic equipment and supplies.
17. Picture framing.
18. Secondhand store, thrift or consignment store.
19. Sporting goods store.
20. Stationery store.
21. Tobacco store.
22. Video rental or sales.
23. Building supplies sales.
24. Furniture and appliance sales, rental, showrooms.
25. Grocery, supermarket.
26. Liquor store.
27. Warehouse club sales.

(d) *Shopping Center.* A group of commercial establishments planned, constructed, and managed as a total entity with shared access, customer and employee parking provided on-site, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

(e) *Wholesaling.* Establishments engaged primarily in selling merchandise to retailers, or to industrial, commercial, institutional, or professional business customers, or to other wholesalers, or on a mail order basis to individuals or firms, or which serve as agents or brokers buying merchandise for, or selling merchandise to, individuals and companies.

(6) *Automotive/Vehicular Uses.*

(a) *Automobile Maintenance Service.* Repair of automobiles, non-commercial trucks,

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motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services and similar repair and service activities where minor repairs and routine maintenance are conducted.

(b) *Automobile Parts/Supply.* Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments, which offer minor automobile repair services as an accessory use.

(c) *Car Wash.* Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self service car washes.

(d) *Commercial Vehicle Repair.* Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, and other similar uses where major repair activities are conducted.

(e) *Gasoline Station.* Any place of business with fuel pumps and underground storage tanks that provides fuels and oil for motor vehicles. A neighborhood convenience store associated with automobile fuel sales shall be considered a gasoline station.

(f) *Parking Facility.* Any structure associated with a non-residential use whose purpose is to provide the required off-street parking spaces for a principal use, or any site utilized for parking which constitutes the principal use on a parcel of land. This category also includes community Lots, which are established to meet the parking needs in a residential area, and park + ride lots.

(g) *Sales and Storage Lots.* Establishments engaged in the display for sale or lease of automobiles, trucks, machinery, recreational vehicles and manufactured homes, including auto dealerships or the farm commercial storage of privately owned trailers, boats, campers, or similar vehicles.

(7) *Outdoor Recreation.*

(a) *Campgrounds and Trailering.* Establishments engaged in providing overnight or short-term sites for the placement of recreational vehicles or temporary housing, with or without facilities such as water and electricity.

(b) *Golf Course.* A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par 3 golf courses. Specifically excluded are independent driving ranges or miniature golf facilities, which are classified as outdoor recreation facilities.

(c) *Marina.* A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

(d) *Outdoor Entertainment.* An outdoor facility developed for entertainment, amusement, or tourist purposes which typically involve large areas of land and concentrated traffic peaks oriented towards events at the facility, including drive-in theaters, amphitheaters, outdoor concert halls, or theme parks.

(e) *Outdoor Recreation Facility.* A commercial recreation facility that is primarily an open-air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, or miniature golf facilities.

(f) *Parks and Open Areas.* Uses of land focusing on natural areas, large areas consisting mostly

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of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses include, but are not limited to, clubhouses, maintenance facilities, concessions, caretaker's quarters, gazebos, pavilions, band shells, and parking. Examples include parks, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

(g) *Restricted Recreation.* Commercial recreation facilities that are of greater nuisance than conventional outdoor athletic facilities because of 1) the noise and traffic volumes they may generate, 2) the glare they produce, or 3) the potential danger they may create from flying objects or the use of weapons. This category includes such uses as amusement parks, racetracks {auto, go-cart, motorcycle) or ranges (skeet, rifle, or archery).

(8) *Indoor Recreation/Entertainment.*

(a) *Adult establishment.* See § 113.02.

(b) *Indoor Athletic Facility.* A commercial recreation facility that provides completely enclosed or indoor recreation space, such as racquet clubs, indoor skating rinks, swimming pools, or gymnasiums.

(c) *Indoor Recreation.* Establishment primarily engaged in activities intended to provide personal amusement, with the largest number of patrons typically during the evening hours or on weekends, and where food and refreshments may be provided as an incidental service, including such uses as bowling alleys, billiard, pool, or bingo parlors, amusement arcades, and indoor theaters (live or motion picture).

(9) *Agricultural and Related Uses.*

(a) *Agricultural Entertainment Business.* An agricultural sales business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee-based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

(b) *Agricultural Production.* Establishments engaged in the production of crops, plants or vines, including agro forestry, or establishments which are engaged in the keeping, grazing, or feeding of livestock for sale, value increase, or livestock increase.

(c) *Agricultural Sales Business.* The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

(d) *Agricultural Services.* Establishments that perform services which support or assist the agricultural community, such as soil preparation services, crop services, farm management services, or breeding services on a fee or contract basis, along with experimental farms for research or educational purposes. This category is intended to apply where agricultural land is located, and may include buildings and other structures that provide office, warehouse, and storage areas for these establishments.

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(e) *Agricultural Support.* Establishments engaged in farm equipment sales and repair, farm produce sales and supply (feed grain, elevators) and small-scale farm product processing, such as cider mills, dairies, poultry or meat processing.

(f) *Forestry Operations.* The use of land for the raising and harvesting of timber, pulpwood or other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper or grinder to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the City which shall be considered accessory to the development of the property.

(g) *Greenhouse, Non Retail.* A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

(h) *Wayside Stand.* A temporary structure or vehicle used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the wayside stand, which is clearly a secondary use of the premises and does not change the character thereof.

(10) *Industrial and Extractive Uses.*

(a) *Heavy Industrial.* Establishments involved in the manufacture, fabrication, processing, compounding, or assembling of materials from raw material or previously processed material. These uses have severe potential for adversely affecting surrounding land uses due to potential environmental impacts related to noise, smoke/particulate emissions, vibration, noxious gases, odor, glare/heat, fire/explosion hazards and waste disposal. In addition, these uses may generate large amounts of truck or auto traffic, may involve the use of large unenclosed production areas, or may require large, tall structures that are unsightly. Heavy industrial uses typically involve primary production processes in the area of paper products (pulp mills), food processing (slaughterhouse, meat packing plant), chemicals (manufacture of inorganic chemicals, resins, plastics, paints, fertilizers, explosives, ink), petroleum products (refineries, bulk storage), primary metals (blasting, smelting, rolling), machinery and equipment manufacture (auto assembly, engines, construction equipment), leather (storing, curing, tanning), gravel based products (manufacture of bricks, concrete, abrasives), and lumber products (saw mills).

(b) *Landfill.* A disposal site employing an engineered method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

(c) *Laundry Plant.* Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, and linen supply services.

(d) *Light Industrial.* Establishments involved in the processing, fabrication, assembly, or compounding of products where the process involved is relatively clean and nuisance free, usually completely enclosed, and with limited environmental effects. These uses can be made compatible with surrounding areas through landscape screening and through separation required by yard and height limitations. Typically, these uses result in the creation of finished products for sale on a wholesale basis to retailers or directly on a retail basis, and include uses in the following areas: lumber products (millwork, cabinet-making), electronics, textiles, printing and publishing services, bottling works, carpet and rug cleaning, furniture manufacture, paper (final processing of stationery, bags, etc., from purchased bulk stock), light metal finishing and light machining, rubber and plastics (compounding processed resins, molding plastics), gravel based products (pottery, cutting, finishing granite, firing and decorating clay products), and ice manufacturing.

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(e) *Motor Freight and Warehousing.* Establishments engaged primarily in either the storage or shipment of goods and materials, including terminal facilities for handling freight, and maintenance facilities in which the trucks (including tractor trailer units) involved with the operation of the business are stored, parked and serviced. Materials within a warehouse or terminal facility may be combined, broken down, or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed.

(f) *Non-Production Industrial.* Establishments that normally are considered industrial in character even though they are not involved in the manufacturing or processing of products. These uses generate negative impacts largely through their need for outside storage of equipment and materials, the large expanse of land needed for this storage, and the creation of dirt, dust and noise, along with intermittent truck traffic. These uses generally can be made compatible through landscape screening and the imposition of limited performance standards, and thus are not objectionable in most industrial or commercial districts. The types of uses categorized here include contractors yards, lumberyards, utility yards, and public maintenance shops and yards.

(g) *Research and Testing.* Establishments or other facilities for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end products, on a contract or fee basis, and including pilot plant operation.

(h) *Resource Extraction.* A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specially excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision.

(i) *Salvage/Recyclable Center.* Land or buildings where waste, discarded, salvaged, or recyclable materials are bought, sold, stored, exchanged, sorted, cleaned, packed, disassembled or handled on a commercial basis, including but not limited to, scrap metal, aluminum, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles. Any site containing two or more unregistered, inoperable motor vehicles is classified as a salvage center.

(11) *Utilities, Transportation and Communications.*

(a) *Air transportation.* Establishments engaged in domestic, emergency, or foreign transportation of passengers or goods by air, including airports, flying fields, rotorcraft terminals, as well as any associated terminal facilities.

(b) *Broadcasting or Communication.* Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication facility usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Broadcasting or communication facilities include wireless communications facilities and wireless communications towers as defined in § 11.01.

(c) *Essential Services.* Overhead, aboveground or underground electrical, gas, steam or water transmission or distribution systems and structures of collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.

(d) *Local Transit.* Establishments primarily engaged in furnishing local and suburban passenger transportation, including taxicabs, passenger charter services, school buses, and terminals (including service

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facilities) for motor vehicle passenger transportation.

(e) *Railroad Transportation.* Establishments engaged in domestic freight and passenger transportation by rail, and including railroad yards, freight stations and switching yards.

(12) *Accessory Uses.*

(a) *Bed and Breakfast.* A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation.

(b) *Domestic Pets.* The keeping of small domestic animals, such as dogs, cats, birds, rodents, fish, and the like, not primarily for produce or value increase, but rather for show, sport, or as pets.

(c) *Family Day Care.* A residence licensed by the Minnesota Department of Human Services in which no more than 10 children at any one time receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

(d) *Group family day care.* A residence licensed by the Minnesota Department of Human Services in which at least 11 but not more than 14 children receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

(e) *Home Occupations.* Any gainful occupation or profession engaged in by the occupant, only, of a dwelling when carried on within a dwelling unit or in an accessory building, provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, that no over-the-counter retail sales are involved, and entrance to the home occupation is or can be gained from within the structure. Uses include professional office, hairdressing, or teaching limited to 3 students at any time, and similar uses. A home occupation shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants, disorderly house as defined by M.S. §609.33, Subd. 1, as it may be amended from time to time, or similar uses. No home occupation shall be permitted that creates the need for more than 3 parking spaces at any given time in addition to the parking spaces required by the occupants. Home occupations shall not be carried on except between the hours of 7:00 a.m. and 10:00 p.m.

(f) *Kennel, Private.* The keeping, breeding, raising, showing or training of 4 or more dogs over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

(g) *Merchandise Parties.* Private parties held for the purpose of soliciting sales. Merchandise parties shall include but not be limited to Tupperware, Mary Kay, and Avon parties.

(h) *Stable, Private.* The keeping, breeding, or raising of horse or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.

(i) *Solar Equipment.* Any solar collector, skylight, or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation.

(j) *Swimming Pools.* Any permanently located pool, used for swimming and/or bathing which is over 24 inches in depth, or which has a surface area exceeding 150 square feet.

(k) *Temporary Sales.* Any isolated or occasional display and sale of used personal property or home-crafted items conducted on residential premises by the occupant of the residential property. Temporary sales shall include rummage sales, basement sales, yard sales, porch sales, craft sales, garage sales, and

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seasonal boutiques.

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