

WABASHA PLANNING COMMISSION

May 10, 2022 6:00 PM

MEETING AGENDA

- 1) Call to Order
- 2) Approval of Minutes-
 - a) Minutes from 3-8-2022
- 3) Changes or Additions to Agenda
- 4) Public Comment
- 5) Public Hearings
- 6) Old Business
- 7) New Business
 - a) Lodging Tax Discussion
- 8) Board of Adjustment Business
- 9) Other Business
- 10) Next Regular Meeting Date - June 14, 2022
- 11) Adjourn

Planning Commission

2) a)

Meeting Date: 05/10/2022

SUBJECT: Minutes from 3-8-2022

DEPARTMENT: Administration

TITLE:

Minutes from 3-8-2022

PURPOSE:

Attachments

Minutes 3-8-22

DRAFT

WABASHA PLANNING COMMISSION

March 8, 2022 7:00 PM

MEETING MINUTES

Commission Members:	Tim Wallerich, Chair	Sara Carrels
	Scott Durand	Sharon Burke
	Ozzie Goodman	Jeff Sulla
	Kris Kruse	

Present: Scott Durand; Chair Tim Wallerich; Sharon Burke; Sara Carrels; Ozzie Goodman; Jeff Sulla

Also Present: Harry Davis, Contracted City Planner; Wendy Busch, City Clerk

- 1) Call to Order
The meeting was called to order by Chair Wallerich at 7:00 p.m. The meeting was held in person and also via video conference.
- 2) Approval of Minutes
 - a) Planning Commission Minutes 2-8-2022
Chair Wallerich referenced the February meeting minutes.

Motion made by Scott Durand, seconded by Jeff Sulla to approve the meeting minutes, as drafted.
Vote: 6 - 0 Adopted - Unanimously
- 3) Changes or Additions to Agenda
Commissioner Burke requested discussion of solar garden landscaping near the Criminal Justice Center. City Clerk Busch suggested discussing this topic during the Other Business portion of the meeting. There were no other changes or additions to the agenda.
- 4) Public Comment
There was no public comment relating to items not listed on the agenda.
- 5) Public Hearings
There were no public hearings.

- 6) Old Business
There was no old business.

7) New Business

a) PUD Amendment Concept Plan Cozy Home Community

Chair Wallerich noted that this item was placed on the agenda for discussion purposes only. City Planner Davis provided background information and discussed a proposal for a cluster housing development on an existing outlet in the Eagles Basin subdivision. He stated that the original PUD requirements were unable to be located, noting that an amendment would need to go through the full PUD process. He referenced a concept plan for the proposed development, noting that staff has no formal recommendation to offer at this time. He stated that a preliminary plat and final plat would need to be approved.

Matt Thornhill introduced himself and other representatives who attended the meeting virtually. He spoke on behalf of the developer group and provided additional details regarding the cluster home concept plan. He stated that the group specializes in creating housing for older adults. He shared examples of existing cozy home communities in other parts of the country. He discussed utility connections, stormwater management, and shared driveways. He discussed the manufacturer, Wisconsin Homes, noting that the site work can be done while the homes are built in the factory. He reviewed the anticipated project schedule. He discussed the legal structure for the development and the estimated sales price of each home. He stated that a partial street vacation request will be submitted to the City Council. City Planner Davis provided additional information relating to the street vacation. Target purchasers were discussed, including retirees and older adults.

Commissioners requested additional information regarding the home construction, and Chris Stuttgen from Wisconsin Homes provided additional information in this regard. When asked about options for three-bedroom homes, it was noted that there are larger outlets in the Eagles Basin subdivision. Mr. Thornhill discussed the property purchase from SEMMCHRA. Commissioners expressed concerns about the anticipated \$300,000 sales price for these homes.

Leif Reichgelt introduced himself as an Eagles Basin resident, noting that his property adjoins the proposed addition. He expressed concerns about additional street lights. Mr. Thornhill noted that the lighting design has not been finalized. He referenced a guest parking area and noted that landscaping would be placed to separate the development from other properties in the neighborhood. It was noted that lighting can be addressed as part of the PUD process.

The next steps in the process were reviewed. It was noted that the applicant will submit a formal proposal for discussion during the next Planning Commission meeting.

- 8) Board of Adjustment Business
There was no other Board of Adjustment business.

9) Other Business

Commissioner Burke expressed concerns about the poor condition of the landscaping of the solar garden near the Wabasha County Criminal Justice Center. City Clerk Busch provided background information, referenced past conversations in this regard, and reviewed lessons learned from this experience. It was suggested that staff draft a letter to the solar garden CUP applicant highlighting the conditions of approval of the solar garden project, and request that the City Engineer provide a report.

10) Next Regular Meeting Date - April 12, 2022

11) Adjourn

Motion made by Scott Durand, seconded by Sharon Burke to adjourn the meeting. The meeting adjourned at 7:38 p.m.

Vote: 6 - 0 Adopted - Unanimously

Respectfully submitted by: _____
Wendy Busch, City Clerk

Adopted Date

Planning Commission

7) a)

Meeting Date: 05/10/2022

SUBJECT: Lodging Tax Discussion

DEPARTMENT: Administration

TITLE:

Lodging Tax Discussion

PURPOSE:

Wabasha City Council would like the Planning Commission to discuss and draft language to add to the zoning ordinance for review to include "Short Term Rentals" as a permitted use in areas within city limits as well as add it as a definition. The use is already happening and in the past the planning commission agreed to write the zoning ordinance loosely enough to allow for these types of uses. Since then, compliance with collecting lodging tax from the short term rentals (Air BnB, VRBO, Homeaway etc) has declined. The purpose of this discussion is to help staff draft language to have ready for review during the June Planning Commission meeting. Once the Planning Commission has a draft, they feel comfortable it will be passed back to City Council for their review. In terms of timing, to complete a zoning (or any ordinance) change there will need to be a public hear, recommendation to council for the 1st reading and final 2nd reading. Attached you will find current "Lodging Tax" code information, the Use Chart and definitions from the zoning ordinance.

Attachments

Lodging Tax Ord

Use Chart and Definitions

LODGING TAX

§ 32.01 DEFINITIONS.

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

CITY. The City of Wabasha, Minnesota, acting by or through its duly authorized representative(s).

LODGER. The person obtaining lodging from an operator.

LODGING. The furnishing for a consideration of lodging at a hotel, motel, tourist court, municipal campground, houseboats, bed and breakfast, resort and rooming house other than the renting or leasing of such a premises for a continuous period of 30 days or more to the same occupant. The furnishing of rooms owned by religious, educational or non-profit organizations for self-sponsored activities shall not constitute **LODGING** for purposes of this chapter.

OPERATOR. Any person who has charge, care or control of a building, tourist court, municipal campground, houseboats, bed and breakfast, resort or rooming house in the city, or part thereof, in which dwelling units or rooming units are let, whether in the capacity of owner, lessee, sublessee, licensee or any other capacity.

PERSON. Includes all firms, partnerships, associations, corporations and natural persons.

RENT. The total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.

(Prior Code, § 819.01) (Ord. passed 2- -2002)

§ 32.02 IMPOSITION OF TAX.

(A) Pursuant to M.S. § 469.190, as it may be amended from time to time, there is hereby imposed a tax of 3% on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the city and shall be extinguished only by payment to the city.

(B) In no case shall the tax imposed by this subchapter upon an operator exceed the amount of tax which the operator is authorized and required by this subchapter to collect from a lodger.

(Prior Code, § 819.02) (Ord. passed 2- -2002)

§ 32.03 COLLECTIONS.

Each operator shall collect the tax imposed by this subchapter at the time the rent is paid. The tax collection shall be deemed to be held in trust by the operator for the city. The amount of tax shall be separately stated from the rent charged for the lodging and those persons paying the tax shall receive a receipt of payment from the operator.

(Prior Code, § 819.03) (Ord. passed 2- -2002)

§ 32.04 EXEMPTIONS.

An exemption shall be granted to any person as to whom or whose occupancy is beyond the power of the city to tax. No exemption shall be granted except upon a claim therefor made at the time the rent is collected and a claim shall be made in writing and under penalty of perjury on forms provided by the city. All such claims shall be forwarded to the city when the returns and collections are submitted as required by this subchapter.

(Prior Code, § 819.04) (Ord. passed 2- -2002)

§ 32.05 ADVERTISING NO TAX.

It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator. It is optional for the operator to decide to include a separate line item on his or her bill in the collection of the tax. In computing the tax to be collected, amounts of tax less than \$0.01 shall be considered an additional cent.

(Prior Code, § 819.05) (Ord. passed 2- -2002) Penalty, see §32.99

§ 32.06 PAYMENTS AND RETURNS.

(A) The taxes imposed by this subchapter shall be paid by the operator to the city monthly, not later than 20 days after the end of the month in which the taxes were collected or on the same schedule as the operator remits state sales taxes. At the time of payment, the operator shall submit a return upon the forms and containing information as the city may require.

(B) The return shall contain the following minimum information:

- (1) The total amount of rent collected for lodging during the period covered by the return;
- (2) The amount of non-collectible rental charges subject to the lodgings tax;

(3) The amount of tax required to be collected and due for the period;

(4) The signature of the person filing the return or that of his or her agent duly authorized in writing; including a certification of accuracy attested to by the person signing the forms: and

(5) The period covered by the return.

(C) The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this subchapter previously paid as a result of any transaction the consideration for which became non-collectible.

(Prior Code, § 819.06) (Ord. passed 2- -2002)

§ 32.07 EXAMINATION OF RETURNS, ADJUSTMENTS, NOTICES AND DEMANDS.

(A) The city or its duly authorized representatives shall, after a return is filed, examine the same and make any investigation or examination of the records and accounts of the person making the return deemed necessary for determining its correctness. The tax computed on the basis of the examination shall be the tax to be paid.

(B) (1) If the tax due is found to be greater than that paid, the excess shall be paid to the city within ten days after receipt of a notice thereof given either personally or sent by certified mail, return receipt requested, to the address shown on the return.

(2) If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the city within ten working days after determination of the refund.

(Prior Code, § 819.07) (Ord. passed 2- -2002)

§ 32.08 REFUNDS.

Any person may apply to the city for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period; provided that, no application for refund shall be considered unless filed within one year from the date the return was due to be filed. The city shall examine the claim and make and file written findings denying or allowing the claim in whole or in part and shall mail a notice thereof by certified mail, return receipt requested, to the person at the address stated upon the return. If the claim is allowed in whole or in part, the city shall credit the amount of the allowance against any taxes due under this subchapter from the claimant and the balance of the allowance, if any, shall be paid by the city to the claimant.

(Prior Code, § 819.08) (Ord. passed 2- -2002)

§ 32.09 FAILURE TO FILE RETURN.

(A) If any operator required by this subchapter to file a return shall fail to do so within the time prescribed, or shall make, willfully or otherwise, an incorrect, false or fraudulent return, the operator shall, upon written notice and demand, file the return or corrected return within five days of receipt of the written notice and shall, at the same time, pay any tax due on the basis thereof. If the person shall fail to file the return or corrected return, the city shall make a return or corrected return for the person based upon the knowledge or information as the tax administrator can obtain and assess a tax on the basis thereof, which tax (less any payments therefor made on account of the tax for the taxable period covered by the return) shall be paid within five days of the receipt of written notice and demand for the payment. Any such return or assessment made by the tax administrator shall be prima facie correct and valid, and the person shall have the burden of establishing its incorrectness or invalidity in any action of proceeding in respect thereto.

(B) If any portion of a tax imposed by this subchapter, including penalties thereon, is not paid within 30 days after it is required to be paid, the prosecuting attorney for the municipality may institute legal action as may be necessary to recover the amount due, plus attorney fees, interest, penalties, the costs and disbursements of any action.

(C) Upon a showing of good cause, the tax administrator may grant an operator one 30-day extension of time within which to file a return and make payment of taxes as required by this subchapter; provided that, interest during the period of extension shall be added to the taxes due at the rate of 10% per annum.

(Prior Code, § 819.09) (Ord. passed 2- -2002)

§ 32.10 PENALTIES; AMOUNTS REMAINING UNPAID.

(A) If any tax imposed by this subchapter is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a civil penalty equal to 10% of the amount remaining unpaid.

(B) In case of any failure to make and file a return within the time prescribed by this subchapter, unless it is shown that the failure is not due to willful neglect, there shall be added to the tax in addition to penalty provided in division (A) above, a penalty of 10% for each 30-day period or fraction thereof during which the failure continues, not exceeding 25% in the aggregate. There shall be a minimum penalty assessed of \$25 if penalties in the aggregate do not exceed that amount. The amount so added to any tax shall be collected at the same time and in the same manner and as part of the tax unless the tax has been paid before the discovery of the negligence, in which case the amount so added shall be collected in the same manner as the tax.

(C) If any person willfully fails to file any return or make any payment required by this subchapter, or willfully files a false

of fraudulent return or willfully attempts in any manner to evade or defeat any tax or payment thereof, there shall also be imposed as a civil penalty an amount equal to 50% of any tax (less any amounts paid on the basis of the false or fraudulent return) found due for the period to which such return related. This penalty shall be collected as part of the tax, and shall be in addition to any other penalties provided by this subchapter.

(D) All payments received shall be credited first to penalties, next to interest and then to the tax due.

(E) The amount of tax not timely paid, together with any penalty provided by this subchapter, shall bear interest at the rate of 10% per annum from the time the tax should have been paid until payment is made. Any interest and penalty shall be added to the tax and collected as part thereof.

(Prior Code, § 819.10) (Ord. passed 2- -2002)

§ 32.11 ADMINISTRATION OF TAX.

The city shall administer and enforce the assessment and collection of the taxes imposed by this subchapter. The city shall cause to be prepared blank forms for the returns and other documents required by this subchapter and shall distribute the same throughout the city. Failure to receive or secure the forms and documents shall not relieve any person from any obligation required of him or her under this subchapter.

(Prior Code, § 819.11) (Ord. passed 2- -2002)

§ 32.12 EXAMINING RECORDS.

(A) Persons acting on behalf of the city and authorized in writing by the city may examine the books, papers and records of any operator in order to verify the accuracy of any return made or, if no return was made, to ascertain the tax as provided in this subchapter.

(B) Every operator is directed and required to give to the city the means, facilities and opportunity during regular city business hours for examinations and investigations as are hereby authorized.

(Prior Code, § 819.12) (Ord. passed 2- -2002)

§ 32.13 USE OF PROCEEDS.

(A) Ninety-five percent of the proceeds obtained from the collection of taxes pursuant to this subchapter shall be used in accordance with M.S. § 469.190, as it may be amended from time to time. The Wabasha/Kellogg Convention and Visitors Bureau (CVB) shall receive the proceeds for the purpose of marketing and promoting the area as a tourist region and providing fulfillment duties as necessary. The CVB shall present the City Council with an annual operating budget and quarterly reports of expenditures. In an effort to promote the Wabasha area as a tourist region, the CVB shall be appointed by City Council and shall consist of the following representatives:

- (1) Two lodgers;
- (2) One Chamber of Commerce member;
- (3) One City Hall;
- (4) One restaurant; and
- (5) Two attractions/retail.

(B) Three appointees will serve a term of two years, and four appointees will serve a term of three years. All other and subsequent appointments shall be for a term of three years.

(C) (1) The city shall forward 95% of the collected proceeds to the CVB by the tenth of the month following the collection of the lodging tax.

(2) The city shall retain 5% of the proceeds obtained hereunder to defray the costs and expenses of collection and administration.

(Prior Code, § 819.14) (Ord. passed 2- -2002)

§ 32.14 APPEALS.

(A) Any operator aggrieved by any notice, order or determination made by the city under this subchapter may file a petition for review of the notice or determination.

(B) The petition shall be filed with the city within ten days after the notice, order or determination for which review is sought has been mailed to or served upon the person requesting review.

(C) Upon receipt of the petition, the City Clerk shall set a date and time for a meeting with the petitioner and shall give the petitioner at least five days' prior written notice of the date, time and place of the meeting.

(D) (1) At the meeting, the petitioner shall be given an opportunity to show cause why the notice, order or determination should be modified or withdrawn.

(2) The petitioner may be represented by counsel of petitioner's choosing at petitioner's expense.

(3) If the meeting does not result in the matter being resolved to the satisfaction of the petitioner, the petitioner may appeal to the City Council.

(E) A petitioner seeking to appeal a decision to the City Council must file a written notice of appeal with the City Council within ten days after the tax administrator's decision. The hearing shall be conducted by the City Council and it shall make written findings of fact and conclusions based upon the applicable section of this subchapter and the evidence presented. The City Council may affirm, reverse or modify the notice, order or determination, which is the subject of the appeal.

(Prior Code, § 819.15) (Ord. passed 2- -2002)

§ 162.060 USE CHART.

[illegible]

SERVICE USES									
Funeral parlors					C	P	P	P	
Repair and maintenance services						C	P	P	P
Self-storage facilities (indoor only) up to 1,500 s.f.					C	C	P	P	P
Self-storage facilities (indoor only) > than 1,500 s.f.							P	P	P
Self-storage facilities - outdoor								C	C
NOTES TO TABLE: * C = conditional use * I = interim use * P = permitted use * Blank = not allowed * Zoning district acronym (see § 162.045 of this chapter)									

(Prior Code, § 305.06) (Ord. passed 12-18-2007; Ord. passed 7-2-2018; Ord. passed --)

§ 162.061 USE DEFINITIONS.

(A) *Accessory use.*

ACCESSORY BUILDING. A building subordinate to, but not part of, the principle building and used for a purpose incidental to the principle building, structure or use. Must not be connected to public or private sewer.

(B) *Agricultural uses.*

AGRICULTURAL STAND. A structure, or portion thereof, up to 1,000 square feet or an outdoor area used for the retail sale of agricultural and related incidental products primarily grown on the premises (excluding livestock).

CROP FARMING. The tilling of the soil, growing, harvesting and storing crops, agriculture related commercial, storage yards, industrial uses and services.

GRAIN STORAGE FACILITY. Storage structure for storing bulk agriculturally grown products. Excluding any mined, quarried or manufactured product. Only allowed in the General Commercial Zoning District when it is an existing legal non-conforming use.

LIMITED LIVESTOCK RAISING. The keeping, grazing or feeding of livestock for sale or livestock increase with a maximum of one animal unit per acre and a minimum of two acres for the first animal unit. Feedlots, stockyards and auction houses and other similar uses are not allowed.

(C) *Bar/brewery uses.*

BAR/COCKTAIL LOUNGE. An establishment where alcoholic beverages are sold at retail for consumption on the premises and where, if food is also sold, sale of alcoholic beverages is 25% or more of gross receipts.

BREWERY. A facility that produces, for sale, beer, ale or other beverages made from malt by fermentation and containing not less than 0.5% alcohol by volume.

BREW PUB. A small brewery that operates a restaurant on the same premises as the brewery, whose malt liquor production per calendar year may be limited by state statute.

DISTILLERY. A facility that produces ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin or other distilled spirits, including all dilutions and mixtures thereof for non-industrial use.

MICRO-DISTILLERY WITH TASTING ROOM. A facility that produces ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use not to exceed 40,000-proof gallons per calendar year.

SMALL BREWERY WITH TAPROOM. A brewery that produces no more than 20,000 barrels of malt liquor in a calendar year.

TAPROOM. An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. A **TAPROOM** may also include sales for off-premises consumption of malt liquor produced at the brewery location or adjacent to the taproom and owned by the brewer for off-premises consumption, packaged subject to state statute.

TASTING ROOM. An area for the on-sale consumption of distilled spirits or wine produced on the premises of, or adjacent to one winery or one distillery and in common ownership to the producer of the wine or distilled spirits. The **TASTING ROOM AREA** may include sales for off-premises consumption of products produced by the owner of the winery or distillery location if permissible by state law.

(D) *Industrial uses.*

HEAVY INDUSTRIAL. Establishments involved in the manufacturing, fabrication or compounding of products, on a primarily wholesale basis, in particular those involving the use of mechanical power and machinery to produce products from raw materials, or to prepare or alter materials for use in a finished product, or to assemble parts into products where there is the creation of odor, dirt, dust and noise.

INDUSTRIAL SERVICE. Establishments involved in repair and servicing of industrial, or business machinery, equipment, products with some ancillary sales, repair, storage or salvage operations and truck stops.

INDUSTRIAL WAREHOUSING DISTRIBUTION OR STORAGE. Establishments involved in the storage or distribution of materials or equipment on a primarily wholesale basis or as support to a service industry. Property can include equipment sales and rental and ancillary business offices.

LIGHT INDUSTRIAL. Establishments involved in the processing or assembly of products where the process involved is relatively clean and nuisance-free, in the creation of finished products for sale on a primarily wholesale basis.

MINING OPERATIONS OR EXTRACTIVE USE. Extracting mineral resources which may include stockpiling, for retail, wholesale, contract purchase or transfer of mineral products. For purposes of this chapter, the leveling, grading, filling or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development and the like) does not constitute a mining site/operation, if: processing of the material does not occur on the property; the activity is completed quickly, does not occur over an extended period of time and on-site stockpiles are fully depleted; and, a mining permit is not required from the Department of Natural Resources.

(E) *Institutional uses.*

COMMUNICATION TOWER. Any lower structure used for the purpose of providing transmission of cell phone, radio or other personal wireless facilities.

CULTURAL INSTITUTION. A facility used for the storage, preservation, study or exhibition of historic or cultural objects, or scientific interest for the recreation or cultural education of the public. Gift shops, educational or recreational services can be ancillary uses.

ESSENTIAL UTILITY FACILITY. Structures which provide shelter for equipment, a central utility hub for utilities, booster or transmitting (not including towers).

INSTITUTIONAL USE. Any use which typically provides a service on a not-for-profit basis by an organized establishment, foundation or society, including religious, private or public non-profit organizations such as schools, hospitals, churches and government facilities.

SOLAR GARDEN/FARM. A solar power installation that accepts capital from and provides output credit and tax benefits to individuals and other investors.

STATE LICENSED RESIDENTIAL FACILITIES. A use which is required under M.S. § 462.357, as it may be amended from time to time.

(a) **FAMILY DAY CARE.** A day program providing care for not more than ten children at one time, and which is licensed by the county as a family day care home.

(b) **GROUP DAY CARE.** A day care program providing care for more than six children at one time. **GROUP DAY CARE** includes programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers for school age children, after school programs, infant day care centers, cooperative day care centers and Head Start programs.

(c) **GROUP FAMILY DAY CARE.** A day care program providing care for no more than 14 children at any one time of which no more than ten are under school age.

(d) **SUPERVISED LIVING FACILITY.** For persons with developmental disabilities or related conditions where supervision, counseling, housing and DHS-licensed habilitative or rehabilitative program services are provided to serve five or more developmentally disabled clients.

(F) *Miscellaneous uses.*

ADULT ENTERTAINMENT ESTABLISHMENT. As defined in M.S. § 617.242, as it may be amended from time to time, a business that is open only to adults and that presents live performances that are distinguished or characterized by an emphasis on the depiction of sexual conduct or nudity.

COMMERCIAL KENNEL. The keeping of more than three dogs or four cats on the same premises, whether owned by the same person or not that are kept for sale, breeding, profit and/or training. A litter of pups or kittens may be kept up to three months before it shall be considered a **KENNEL**.

MAJOR TRAFFIC GENERATOR. Any use of land for whatever purpose (commercial, industrial, recreational or residential) which generates 500 or more vehicle trips per day total or 60 heavy vehicle trips per day according to the ITE (Institute of Transportation Engineers) most recent *Trip Generation Manual*.

MIXED USE. A mix of more than one principal use per lot or parcel including different types of residential (single- and multi-family) and/or mix of residential, commercial and/or institutional uses.

NURSERY/GREENHOUSE/LANDSCAPE BUSINESS. A business growing and selling trees, flowering, decorative and/or edible plants which may be conducted in or outside of a building.

PARKING GARAGE. A structure or any portion thereof designed for the parking of one or more motor vehicles, not including display or storage of motor vehicles for sale.

(G) *Office uses.*

PROFESSIONAL SERVICE. The selling of personal or professional services to the end consumers that typically do not produce a tangible commodity and the sale of merchandise is less than 25% of the business including medical, beauty, law and other professional services.

(H) *Recreational uses.*

CLUB. An establishment or properly operated for social, recreational or educational purposes, but open only to members and their guests and not the general public.

HUNTING/SHOOTING CLUB. An organized gun/archery club that allow the firing of dangerous weapons on the club grounds only by members and guests subject to such conditions as may be required by the city to protect the public health, safety and welfare.

MARINA. A dock or basin providing moorage for four watercraft or more and which may offer supply, repair, rental or other support facilities.

PARKS AND OPEN SPACE. Lands which are open to the public that provide a location for natural environmental, cultural or recreational activities and enjoyment.

RECREATIONAL ENTERTAINMENT FACILITY, MAJOR. A structure or open space providing entertainment or recreation, including, but not limited to: amusement centers; movie theaters with more than two screens or stages; and indoor or outdoor water parks or amusement parks, concert venues, dance halls, ski hill, golf course.

RECREATIONAL ENTERTAINMENT FACILITY, MINOR. A structure or open space providing entertainment or recreation, including, but not limited to: bowling alleys; pool or billiard halls; tennis courts; racquetball courts; exercise facilities; roller and ice skating rinks; concert venues with a capacity of up to 200 patrons; theaters with up to two screens or stages.

(I) *Residential uses.*

ACCESSORY APARTMENT. A dwelling unit with up to 50% of the principle structure, subordinate to and located in an owner-occupied single-family dwelling or principle structure of a commercial business.

BED AND BREAKFAST. An establishment in a single-family dwelling that provides temporary accommodations to overnight guests for compensation and meals for a daily or weekly fee.

CAMPGROUND. An open-air recreation area where temporary shelters are allowed and intended to provide transient occupancy and associated buildings and accessory structures and offices used in the operation of the facility.

GUEST COTTAGE. An accessory structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

HOME OCCUPATION. Any occupation or business conducted within the principle or accessory building by the resident(s). The space used by the business cannot exceed 25% of the usable floor area of the principal structure.

HOTEL/MOTEL. A structure or group of structures in which three or more units for lodging are offered to transient guests with furnishing of sleeping accommodation in rooms or suites of rooms for compensation, and may also include an ancillary eating establishment, gift shop or other ancillary tourist services available to guests and/or to the general public.

MANUFACTURED HOME PARK. A contiguous parcel of land which is developed for the placement of mobile homes which is owned by a single entity rather than parcels that are individually owned.

MULTIPLE-FAMILY DWELLING. A structure or portion thereof intended and designed for two or more dwelling units.

SINGLE-FAMILY ATTACHED DWELLING. A building designed or used exclusively for residential purposes by one family on its own separate lot and is attached on at least one side by another single-family dwelling.

SINGLE-FAMILY DETACHED DWELLING. A building containing one dwelling unit on its own separate lot, not attached to any other dwelling units, having yards on all sides of the unit.

(J) *Retail uses.*

COMMERCIAL RETAIL. The selling of merchandise or goods over a counter to consumers and rendering services

incidental to the sale of the goods including services which support agricultural such as soil preparation, crop, farm and breeding services on a fee or contract basis. All commercial retail drive-thru services will require a conditional use permit.

CONTRACTOR YARD. A site used for storage of equipment and supplies used by a construction or landscape contractor in the operation of their business.

GARAGE, COMMERCIAL. Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, sold or stored.

GAS STATION. An establishment which sells gasoline typically at outdoor pumps to automobiles and other vehicles, and may include sale of convenience items.

OUTDOOR SALES, SERVICE, RENTAL LOT. An outdoor space for display and/or sales of goods, materials or merchandise where the majority of product is located and business can occurs within a permanent structure.

RESTAURANT. An eating establishment where food and beverage is served to a customer. Establishments serving alcohol for consumption (where gross sales of alcohol are 25% or less) on site or providing take-out food to order as ancillary use are included.

RESTAURANT, BAR OUTDOOR SEATING. More than three tables (with or without chairs) or four benches or chairs provided by a business to allow patrons to eat and/or drink outside of the business.

RESTAURANT, DRIVE-IN/DRIVE-THRU. Any eating establishment with a drive-thru or a drive-in facility.

(K) *Service uses.*

FUNERAL PARLOR. Private non-denominational funeral chapels and other facilities for the purpose of spiritual meditation and vigil before burial of deceased persons.

REPAIR AND MAINTENANCE SERVICE. The provision of repair or maintenance services including auto, mechanical, machinery repair or retooling.

SELF-STORAGE FACILITY. A site, structure or building in which customers can rent space to store possessions. **INDOOR SELF-STORAGE FACILITIES** are those that are completely enclosed with walls and roof.

(Prior Code, § 305.06) (Ord. passed 12-18-2007; Ord. passed 7-2-2018)