

STATE OF MINNESOTA

COUNTY OF CHISAGO

CITY OF NORTH BRANCH

**ORDINANCE NO. 350-23**

**APPROVAL OF AN ORDINANCE, AMENDING SECTION 66-8, DEFINITIONS, OF THE NORTH BRANCH CITY CODE.**

The City Council hereby ordains as follows:

Section 1. Text Amendment.

Section §66-8, Definitions, of the North Branch City is hereby amended by adding the following underlined language and deleting the following ~~stricken~~ language as attached in Exhibit A.

Section 2. Effective Date.

This ordinance shall have full force effect upon its passage and publication as required by law.

<b>RESULT:</b> ADOPTED BY CONSENT VOTE [UNANIMOUS]
<b>MOVER:</b> Robert Canada, Councilmember/Acting Mayor
<b>SECONDER:</b> Travis Miles, Councilmember
<b>AYES:</b> Schieber, Canada, Miles, Neider, Schaps

Passed and adopted this 14th day of March 2023

CITY OF NORTH BRANCH



BY: Kevin Schieber  
Kevin Schieber, Mayor

ATTEST: Rena Fry  
Rena Fry, City Administrator

## EXHIBIT A

### AMENDMENTS TO SECTION §66-8, DEFINITIONS, OF THE NORTH BRANCH CITY CODE

**Automotive, Dealership:** Any place where automobiles are sold to the general public. Business activities accessory include: motor vehicle repair, service and vehicle rentals. Excludes sales, service, repair and rental of heavy trucks and recreational vehicles and equipment. Dealerships are only permitted adjacent to Interstate-35.

**Automotive, Fuel & Convenience:** Any place for dispensing, sale or offering sale of motor fuel directly to users of motor vehicles, including the sale of motor vehicle accessories, and which may or may not include facilities for lubrication, washing or making minor repairs to motor vehicles. May include accessory convenience use.

**Automotive, Service Station:** Any place for the general service and repair of motor vehicles including, but not limited to: quick lube oil change, tire sales and repair, general repair, bodywork, and car wash, and related retail, such as parts supply.

**~~Automobile Repair (Major):~~** means general repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

**~~Automobile Repair (Minor):~~** means minor repairs, replacement of parts and motor services, rebuilding or reconditioning engines to passenger automobile and trucks not exceeding 9,000 pounds gross weight.

**~~Motor Fuel Station:~~** A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for the operation of automobiles, are related directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

**Brew Pub:** A restaurant that conducts the retail sale of malt liquor brewed on the premise and licensed under Minnesota Statute section 340A.301, subdivision 6(d). ~~Areas used exclusively for brewing operations shall not exceed 25 percent of the total floor area.~~ Included within this use is the off-sale of malt liquor produced on site in refillable growlers pursuant to Minnesota Statutes section 340A.301, subdivision 7(b).

**Brewery, Production:** A facility that produces for sale beer, ale, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. Production facility includes warehousing and distribution, but excludes taproom or retail storefront for direct retail sales to and/or consumption by consumers on the premises.

**~~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 Minnesota Statutes §340A.301, subd. 7(b), or its successor.

**Brewery, Taproom:** An area for on-sale consumption of malt liquor produced by the brewer on the premises of or adjacent to the 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 Minnesota Statutes §340A.301, subd. 7(b), or its successor. ~~facility on the premises of, or adjacent to, a malt liquor beverage production facility / brewery intended for the on-sale and consumption of malt liquor produced by the brewer pursuant to Minnesota State Statues.~~

**Car Wash, Self-Service:** A building, structure or portion thereof containing an automatic washing facility with a single vehicle capacity, or a hand-operated facility with a maximum of four (4) washing stalls for washing automobiles.

**Car Wash, Tunnel and Full-Service:** A building, structure or portion thereof containing an automatic tunnel or conveyor wash system with a multiple vehicle capacity that provides complete vehicle washing and drying and self-service detailing areas, or full-service automobile detailing center where vehicles are washed mechanically or by hand and attendants are available to dry the vehicle manually, clean the interior and perform other detailing services. May include automated or attendant pay stations.

~~**Community Center:** A building or room or group of rooms within a building designed specifically as a gathering place for the general public or for a specific segment of the general public and operated on a nonprofit basis.~~

**Day Care, Center-Facility:** A facility, public or private, licensed by the State Department of Human Services, as defined by Minnesota Statute Ch. 245A, ~~public or private,~~ which for gain or otherwise regularly provides one or more person, ~~as defined by the State Human Services Licensing Act, Minn. Stat. Ch. 245A,~~ with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers for children, day treatment programs, adult day care centers and day services, and day training and rehabilitation services for adults, ~~day treatment programs, adult day care centers, and day services.~~ Excludes programs where adults gather or congregate primarily for socialization, education, supervision, caregiver respite, religious expression, exercise and/or nutritious meals.

**Daycare, In-Home Child Care:Home-** A family dwelling in which foster care, supervision and training for children of pre-school and/or preschool age is provided out of the home, during the day, for periods less than 24 hours a day with no overnight accommodations provided and children are delivered and removed daily. Person providing care must own and reside on the property.

**Distillery, Production:** 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. Production facility includes warehousing and distribution, but excludes taproom or retail storefront for direct retail sales to and/or consumption by consumers on the premises.

**Distillery, Tasting Room:** An area for the on-sale consumption of distilled spirits produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller. A tasting room may also include sales for off-premises consumption of distilled spirits produced at the distillery location or adjacent to the tasting room and owned by the distiller for off-premises consumption, packaged subject to Minnesota Statutes §340A.22, subd. 4, or its successor.

**Dwelling:** A building or portion thereof, designated exclusively for residential ~~living~~ ~~occupancy~~, including one-family, two-family and multiple-family dwellings, but not including hotels, motels, boardinghouses, and mobile homes.

**Dwelling, Apartment:** A community, complex or building having a common owner and containing at least one rental dwelling unit exclusively for occupancy by three or more families living independently of each other but sharing hallways and main entrances and exits. Dwelling units may or may not be located direction above or below any other unit.

**Dwelling, —Duplex:** A building designed as a single structure on a single lot, containing two separate living units, attached by common walls, and each of which is designed to be occupied as a separate residence for one family.

**Dwelling, Multi-Family:** A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other. Multi-family dwellings may be rental or owner-occupied, and may include the following structure types: triplexes, quads and apartments. ~~but sharing hallways and main entrances and exits.~~

**Dwelling, Prefabricated Building Home:** Any building or building module intended for use as a one- or two-family dwelling, which is of closed construction and which is constructed, on or off the building site, for installation, or assembly and installation, on the building site. Buildings excluded, ~~but does not~~ include relocatable contractors office or storage buildings that are 1,500 square feet or less in floor area, that are designed for temporary use by a contractor at a construction site, that are not to be used by the general public or as a sales office, and that will be removed prior to or upon completion of the construction project.

**Dwelling, Quad:** Four separate dwelling units, each owned individually by fee owner and located on individual lots but joined along individual lot lines and attached by common walls.

**Dwelling, Single-Family:** A detached dwelling unit designed for occupancy of one family.

~~**Dwelling Site:** A designated location for residential use by one or more persons using temporary or movable shelter, including camping, and recreational vehicle sites.~~

**Dwelling, Townhome:** Structures housing ~~two~~ ~~three~~ or more dwelling units ~~of not more than two stories each and~~ contiguous to each other, attached by common walls, and with no one unit or major portion thereof directly above or below any other unit. ~~only by sharing one common wall, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures.~~

**Dwelling, Duplex, Triplex and Quad:** A dwelling building designed as a single structure on a single lot, containing having two, three separate living units, attached by common walls, and each of which is designed to be occupied as a separate residence for one family, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

**Dwelling, Twin home:** Two separate dwelling units, each owned individually by fee owner and located on individual lots but joined along a single lot line and attached by a common wall.

**Dwelling, Two-Family Attached:** A dwelling structure on a single lot having two units attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

**Dwelling Unit:** A single residential accommodation which is arranged, designed, used or intended for use exclusively as living quarters for one family; must include complete, permanently installed, kitchen and bathroom facilities. Where a private garage is structurally attached, it shall be considered as a part of the building in which the dwelling unit is located.

**Dwelling Unit, Shoreland:** Any structure or portion of a structure, or other shelter designed as short- ~~of or~~ long-term living quarters for one or more persons, including rental or time share accommodations such as motel, hotel, and resort room and cabins. Definition shall only apply when used in conjunction with the shoreland ordinance.

**Entertainment Center, Indoor:** An indoor commercial facility featuring a single-use or combination of uses for the purpose of providing family amusement activities, including, but not limited to: arcade gaming venues, bowling alleys, billiards, climbing walls and ropes courses, laser tag, indoor mini golf courses and playgrounds, trampoline parks and obstacle courses, movie theaters, etc.

**Farm Winery:** A winery operated by the owner of a Minnesota farm and producing table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota. A farm winery may include a tasting room.

**Home Occupation:** Any gainful occupation or profession, ~~7~~ conducted at a residential property, ~~7~~ by the property owner and/or a family member residing within the dwelling unit on the property, which is clearly incidental and secondary to the residential use of the dwelling unit and the lot upon which it is constructed, and as is regulated by §66-942. ~~including, without limitation, dressmaking, sewing, tailoring, secretarial services, professional offices, answering services, tutoring, individual music or art instruction, individual hobby crafts, and day care and similar activities.~~

**Recreation Complex, Public:** An indoor or outdoor recreation facility owned or operated by the City of North Branch, a non-profit organization, or other public use approved by the City or in partnership with the City in which athletic activities are permitted to be played by the general public. Indoor public complexes include, but are not limited to: community and recreation centers, ice arenas, domed sports structures, aquatic facilities, etc.

**Recreation Complex, Commercial:** An indoor recreation facility owned or operated by a private and/or commercial entity in which athletic activities are played for a fee. Indoor commercial complexes include, but are not limited to: recreation and amusement centers; sports and fitness clubs; tennis facility; ice arenas; domed sports structures; aquatic facilities; etc. May also include indoor entertainment centers.

**Outdoor Storage, Display:** A class of storage outside of the principal building where merchandise is visible for the purpose of buying, selling and/or renting said merchandise. Outside display of merchandise may be temporary or permanent depending upon the use and conditions of a permit, if required.

~~**Open Sales Lot:** Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.~~

**Outdoor Seating:** A permitted outdoor seating area for patrons of restaurants, cafes, supper clubs, coffee shops, and on-sale licensed establishments.

**Outdoor Storage, Equipment & Materials:** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building. Outdoor storage area is limited to 20% of the building or tenant space floor area, if a multi-tenant building.

~~**Commercial Recreation:** Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dancehall, skating, trampoline, tavern, theater, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses.~~

~~**Recreational Field or Building:** An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semipublic use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this article.~~

**Self-Storage, Indoor/Climate Controlled Facility:** A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. All self-storage activities shall be contained within a single building and conducted exclusively indoors. Individual storage units may be accessed from inside the building only. Loading areas must be located to the interior, or rear of the building and in designated parking areas adjacent to the building. Outdoor storage and/or other commercial transactions are not permitted.

**Self-Storage, Mini/Non-Climate Controlled Facility:** A structure or structures containing storage spaces of varying sizes that are leased or rented individually. No commercial transactions are permitted other than the rental of the storage units.

~~**Self or Mini-Storage Facility:** Any real property designed and used for the purpose of renting or leasing individual storage space to the public for the purpose of storing and removing personal property.~~