

# Title XV Land Usage

## Chapter 154: Definitions

### Division 01 Definitions

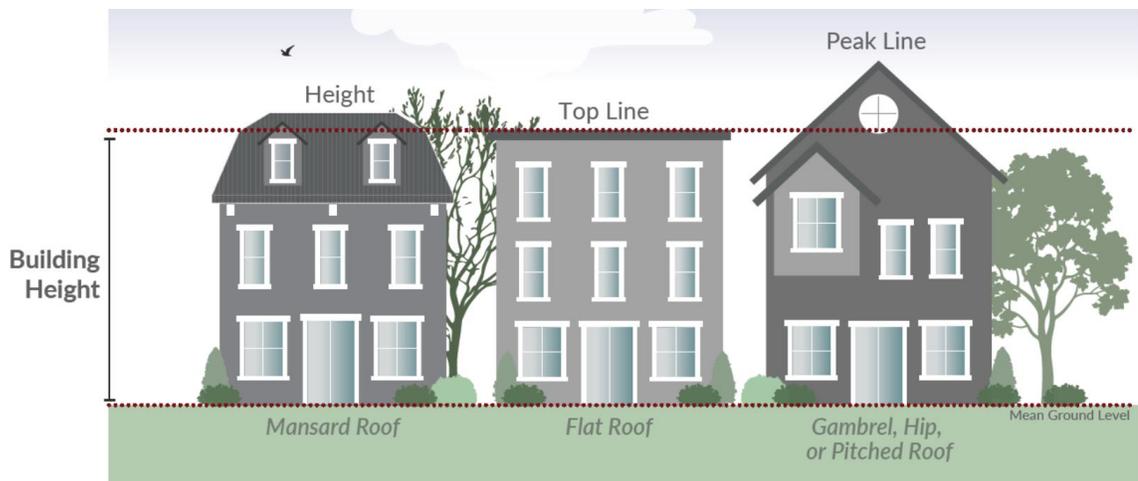
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#### Part 1 Definitions

##### 154.01.11 General Definitions

- A. For the purposes of this Title, the following definitions shall apply to Chapters 151, 152, 153, and 154 unless the context clearly indicates or requires a different meaning.
- B. A
1. **ABUTTING USES AND DISTRICTS.** Uses and districts having contiguous lot lines but not including lot lines separated by streets, roads or water bodies.
  2. **ACCESSORY STRUCTURE.** A subordinate structure which is located on the same lot on which the main building or principal structure is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of the building or main use.
  3. **ALLEY.** A public vehicular right-of-way which affords a secondary means of vehicular access to abutting property and which is not intended for general traffic circulation.
  4. **APPLICANT.**
    - a. Any person or entity that applies for a building permit, subdivision approval or a permit to allow land disturbing activities.
    - b. **APPLICANT** also means that person's agents, employees and others acting under this person's direction.
  5. **AQUIFER RECHARGE AREAS.** All land surface areas which by nature of their surface and/or subsurface soil characteristics are determined to contribute to the replenishment of subsurface water supplies.
  6. **ARTIFICIAL OBSTRUCTION.** Any obstruction which is not a natural obstruction.
- C. B
1. **BASEMENT.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
  2. **BERM.** A man-made earthen mound in excess of two (2) feet in vertical height used for decorative, screening, or buffering purposes.
  3. **BEST MANAGEMENT PRACTICES or BMP.** The most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies.
  4. **BETTER SITE DESIGN.** The control and management of stormwater quantity and quality through the application of better site design techniques as outlined in the current version of the Minnesota Stormwater Manual: [http://stormwater.pca.state.mn.us/index.php/Main\\_Page](http://stormwater.pca.state.mn.us/index.php/Main_Page). Better site design includes preservation of natural areas, site reforestation, stream and shoreland buffers, open space design, disconnection of impervious cover, rooftop disconnection, grass channels, stormwater landscaping, compost and amended soils, impervious surface reduction, and trout stream protection.

5. **BLOCK.** The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.
6. **BLUFF.**
  - a. A topographic feature such as a hill, cliff or embankment having all of the following characteristics:
    - i. Part or all of the feature is located in a shoreland area;
    - ii. The slope rises at least 25 feet above the Ordinary High Water Level of the waterbody;
    - iii. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water averages 30 percent or greater; and
    - iv. The slope must drain toward the waterbody.
  - b. An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.
7. **BLUFF IMPACT ZONE.** A bluff and land located within 20 feet from the top of a bluff.
8. **BLUFF, TOE OF.** The lower point of a 50 foot segment with an average slope exceeding 18 percent.
9. **BLUFF, TOP OF.** The higher point of a 50 foot segment with an average slope exceeding 18 percent.
10. **BUILDING LINE.** A line parallel to a lot line or the Ordinary High Water Level at the required setback beyond which a structure may not extend.
11. **BOATHOUSE.** A structure used solely for the storage of boats or boating equipment.
12. **BOULEVARD.** The portion of the street right-of-way between the curb line and property line.
13. **BUFFER.** A protective vegetated zone located adjacent to a natural resource, such as a water of the state that is subject to direct or indirect human alteration. Acceptable buffer vegetation includes preserving existing predevelopment vegetation and/or planting locally distributed native state trees, shrubs and grassy vegetation. Alteration of the areas is strictly limited buffer areas are designated with permanent signs. As a plant species selection guide of what species not to plant, the State Department of Natural Resources, Minn. Rules Chapter 6216, as it may be amended from time to time, contains a list of exotic prohibited, regulated, unlisted and unregulated plant species.
14. **BUILDABLE AREA.** The portion of a lot remaining after required yards have been provided.
15. **BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.
16. **BUILDING HEIGHT.** A distance to be measured from the mean ground level to the top of a flat roof to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof to the uppermost point on other roof types.



17. **BUILDING INSPECTOR.** The person or persons authorized by the Council to administer the State Building Code, the Zoning Ordinance and the subdivision regulations.
18. **BUILDING OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of the building codes and ordinances, or the Building Official's duly authorized representative.

D. C

1. **CALIPER.** The diameter of a tree measured at six (6) inches above ground.
2. **CARPORY.** A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on two or (2) more sides.



3. **CELLAR.** An area of a structure, including crawl spaces, located partially or fully underground on all four (4) sides, and having more than one-half ( $\frac{1}{2}$ ) of its floor to ceiling height below the average land grade as measured five (5) feet away from the structure.
4. **CHANNEL.** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.
5. **CLEAR-CUTTING.** The removal of an entire stand of trees on a parcel of land.
6. **CLUSTER DEVELOPMENT.** A subdivision development planned so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas and meeting the overall density regulations.
7. **COMMISSION.** The Planning Commission of the City.
8. **COMMON PLAN OF DEVELOPMENT OR SALE.** A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. The common plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.
9. **COMPREHENSIVE DEVELOPMENT PLAN.** The plan or plans for the orderly growth of the City and adopted as amended from time to time by the Planning Commission and the Council.

10. **CONDITIONAL USE PERMIT.** A permit issued by the Council in accordance with procedures specified in this chapter, as a flexibility device to enable the Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
11. **CONSTRUCTION ACTIVITY.** Includes “construction activity” as defined in 40 C.F.R. pt. 122.26(b)(14)(x) and “small construction activity” as defined in 40 C.F.R. pt. 122.26(b)(15) and construction activity as defined by Minn. Rules 7090-0080, subd. 4. This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating. Construction activity includes the disturbance of less than one (1) acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include a disturbance to the land of less than five (5) acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
12. **CONTINUOUS MOOR.** The mooring of a boat or watercraft during normal nighttime hours.
13. **CONTROLLED ACCESS LOT.** A separate riparian property owned and maintained jointly by non-riparian property owners in the vicinity and used by said non-riparian owners for lake-related recreation activities.
14. **COUNCIL.** City Council.
15. **COUNTY.** Chisago County, Minnesota.
16. **COURT.** An unoccupied open space, other than a yard, which is bounded on two or more sides by the walls of the buildings.
17. **COVERED PASSAGEWAY.** A roofed structure at least five (5) feet wide which attaches a principal and accessory structure.



18. **CRITICAL ROOT ZONE.** The root system within the drip line is generally considered to be the critical root zone. The drip line is an imaginary line, which extends from the outermost branches of a tree's canopy to the ground. To protect these critical root zones, a tree protection area shall be established around each tree or group of trees to be retained.

- a. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the drip line of the tree or group of trees collectively.
- b. Wherein authorized excavations it becomes necessary to expose or cut roots more than one (1) inch in diameter, it shall be the duty of the contractor to protect such root(s) under advice of the City.
- c. All open trenching is prohibited. Utility installation within the drip line of protected trees, during construction or thereafter, can only occur using trench-less methods.
- d. The mowing, clearing, and grubbing of brush located under the drip line of protected trees may be allowed, provided such mowing, cleaning, or grubbing is accomplished by hand or by mower. The use of heavy equipment for this purpose shall not be allowed.

E. D

- 1. DECK. A horizontal platform constructed on posts, without windows or insulated walls with or without attached railings, seats, or other features attached or functionally related to a principal use.
- 2. DEPOSITION. Any rock, soil, gravel, sand or other material deposited naturally or by man into a water body, watercourse, floodplains or wetlands.
- 3. DEVELOPER. A person, firm, corporation, sole proprietorship, partnership, state agency or political subdivision thereof engaged in a land disturbance activity.
- 4. DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 5. DEVELOPMENT, NEW. Any development that results in the conversion of land that is currently prairie, agriculture, forest, or meadow and which has less than 15 percent impervious surface. Land that was previously developed, but now razed and vacant, will not be considered new development.
- 6. DEWATERING. The removal of surface or ground water to dry and/or solidify a construction site to enable construction activity.
- 7. DIAMETER. The measurement of a tree's trunk measured four and one-half (4.5) feet above the ground.
- 8. DISCHARGE. The conveyance, channeling, runoff or drainage of stormwater, including snowmelt, from a construction site.
- 9. DISTURBANCE ZONE. Any area that will be physically altered from its natural state. This will include all areas of grading, utility installation, building pads, driveways and parking areas.
- 10. DIVERSION. A channel that intercepts surface water runoff and that changes the accustomed, course of all or part of a stream.
- 11. DRAINAGE COURSE. A water course or indenture for the drainage of surface water.
- 12. DRAINING. The removal of surface water or groundwater from land.
- 13. DREDGINGS. To enlarge or clean out a water body, watercourse or wetland.
- 14. DRIP LINE. The farthest distance away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or branches of the tree or one (1) foot per one (1) inch of diameter, whichever is greater.
- 15. DRIVEWAY. A private road or path for vehicle access to a public road, which is wholly located on the parcel which is afforded access.
- 16. DWELLING SITE. A designated location for residential use by one (1) or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

F. E

- 1. EASEMENT. A grant by an owner of land for the specific use by persons other than the owner or the public.

2. ENCROACHMENT LINES. The lateral limits or lines drawn along each side and generally parallel to a stream or another body of water, which delineates the floodway and within which the flood carrying capacity of the stream or other body of water is to be preserved. Their location, if along a stream, should be such that the floodway between them will effectively carry and discharge a flood not less than a regional flood.
3. ENERGY DISSIPATION. This refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to aprons, riprap, splash pads and gabions that are designed to prevent erosion.
4. ENGINEER. City Engineer.
5. EQUAL DEGREE OF ENCROACHMENT. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
6. EROSION. Any process that wears away the surface of the land by the action of water, wind, ice or gravity. Erosion can be accelerated by the activities of people and nature.
7. EROSION AND SEDIMENT PRACTICE SPECIFICATIONS OR PRACTICES. The management procedures, techniques and methods to control soil erosion and sedimentation as officially adopted by either the City, county or local watershed group, whichever is more stringent.
8. EROSION CONTROL. Methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover and construction phasing.
9. EROSION PREVENTION. Measures employed to prevent erosion. Examples include but are not limited to soil stabilization practices, limited grading, mulch, temporary erosion protection or permanent cover, and construction phasing.
10. EXPOSED SOIL AREAS. All areas of the construction site where the vegetation (trees, shrubs, brush and the like) has been removed. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of sand, gravel, concrete or bituminous.

G. F

1. FENCE. An artificially constructed barrier erected to enclose, screen, or separate areas.
2. FENCE, AGRICULTURAL. A wire fence constructed to enclose an area of land for agricultural purposes.
3. FILTER STRIPS. A vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.
4. FINAL PLAT. The final map, drawing or chart on which the subdivider's plan of subdivision which will be submitted to the County Recorder of Deeds or Registrar of Titles. The plan must conform to all state laws.
5. FINAL STABILIZATION. All soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 75 percent of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered stabilization.
6. FISH HOUSE. A portable water-oriented structure duly licensed by the state for use in the taking of fish through lake or river ice.
7. FLOOD. A temporary increase in the flow or stage of a stream, or in the stage of a wetland or lake, that results in the inundation of normally dry areas.
8. FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

9. FLOOD FRINGE. That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Chisago County, Minnesota and Incorporated Areas.
10. FLOODPLAIN. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
11. FLOODPROOFING. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
12. FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
13. FLOOR AREA. The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.
14. FLOOR AREA, LIVABLE. The same as "floor area," defined above, except measured from the interior faces of the interior walls excluding all areas occupied by cellars, garage, porches, unoccupied attics, stairways, basements, storage, utility and heating rooms.
15. FLOOR AREA RATIO (FAR). The floor area of the building or buildings on that zoning lot divided by the area of the zoning lot or, in the case of planned developments or group housing projects, by the gross site areas.
16. FOOTPRINT. The portion of a lot covered by a building or structure where it meets the earth.

#### H. G

1. GARAGE, PRIVATE. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on; provided that not more than one-half ( $\frac{1}{2}$ ) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage one- or two-car capacity may be so rented.
2. GRADE, ADJACENT GROUND ELEVATION. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
3. GRADING. Changing the natural or existing topography of land.
4. GROUNDWATER. Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. The term groundwater shall be synonymous with underground water.

#### I. H

1. HYDRIC SOILS. Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
2. HYDROPHYTIC VEGETATION. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

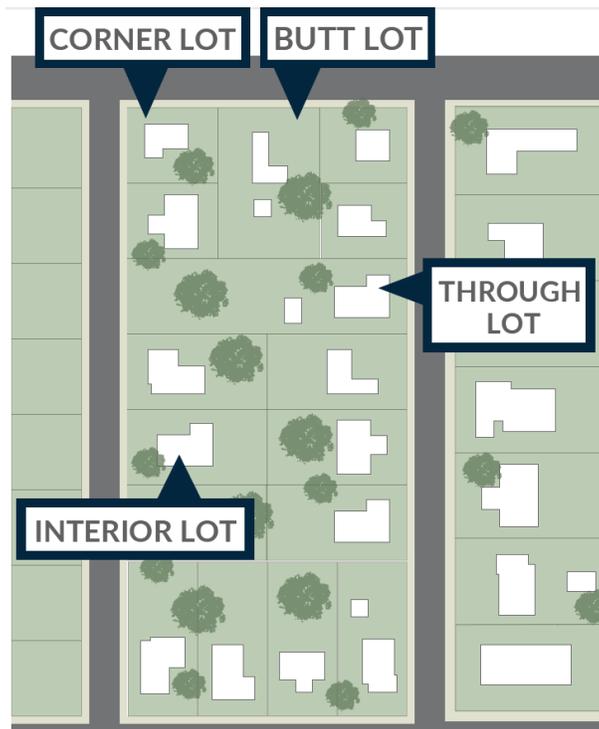
#### J. I

1. IMPERVIOUS SURFACE. A constructed hard surface or natural surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads. Decks constructed with at least quarter-inch ( $\frac{1}{4}$ " spacing between deck slats and pervious surface below are not considered impervious.
2. INDECENT. Not decent; grossly unseemly or offensive to manners or morals.
3. INSPECTOR. The City's Building Inspector.

4. **INTENSIVE VEGETATION CLEARING.** The complete removal of trees, shrubs or other vegetation in a contiguous patch strip row or block.
5. **INTERMITTENT.** A stream or portion of a stream that flows only in direct response to precipitation.

K. L

1. **LAND DISTURBANCE.** Any activity the results in a change or alteration in the existing ground cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, stockpiling, excavation, and borrow pits. Routine vegetation management, and mill and overlay/resurfacing activities that do not alter the soil material beneath the pavement base are not considered land disturbance. In addition, other maintenance activities such as catch basin and pipe repair/replacement, lighting, and pedestrian ramp improvements shall not be considered a land disturbance for the purposes of determining permanent stormwater management requirements.
2. **LICENSE.** A written document, issued by the Council, allowing a person to establish, operate and maintain a mobile home park under the provisions and regulations of this Title.
3. **LINEAR PROJECT.** Construction or reconstruction of roads, trails, sidewalks, underground utilities, and rail lines that are not part of a common plan of development or sale. Mill, overlay and other resurfacing projects are not considered to be reconstruction.
4. **LIVING AREA.** A finished space within a structure with walls, floor(s), and ceiling(s) which is habitable year-round. Living area does not include garages, unheated breezeways, or unfinished basements or attics.
5. **LOT or LOT OF RECORD.** A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this chapter, or approved by the City as a lot subsequent to the date and which is occupied by or intended for occupancy by one principal building or principal use together with any accessory buildings and the open spaces as required and having its principal frontage on a street or a proposed street approved by the Council.



6. LOT, BUTT. A lot at the end of a block and located between two (2) corner lots.
7. LOT, CORNER. A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.
8. LOT, INTERIOR. A lot, other than a corner lot, including through lots.
9. LOT, THROUGH. A lot fronting on two (2) parallel streets.
10. LOT AREA. The area of a horizontal plane within the lot lines.
11. LOT DEPTH. The shortest horizontal distance between the front lot line and the rear lot line measured from a 90 degree angle from the street right-of-way within the lot boundaries.
12. LOT FRONTAGE. The front of a lot shall be, for purposes of complying with this Title, that boundary abutting a public right-of-way having the least width.
13. LOT LINE. A property boundary line of any lot held in single or separated ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.
14. LOT LINE, FRONT. The boundary of a lot which abuts an existing or dedicated public street. In the case of the corner lot, it shall be the shortest dimension on a public street or as otherwise designated by the Zoning Administrator based on the practical front yard of the property as determined by such factors as the existing or proposed building configuration of the property and taking into consideration the characteristics of surrounding properties. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the City.
15. LOT LINE, REAR. The boundary of a lot that is opposite the front lot line. If the rear line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 20 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
16. LOT LINE, SIDE. Any boundary of a lot which is not a front or rear lot line.
17. LOT WIDTH. The shortest horizontal distance between the side lot lines measured at right angles at the midpoints of the building lines.
18. LOWEST FLOOR. The LOWEST FLOOR of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor.

L. M

1. MANUFACTURED HOME LOT. A plot of ground within a manufactured home park designed and designated for the accommodation of one manufactured home.
2. MANUFACTURED HOME PAD. The part of an individual lot which has been reserved for the placement of one manufactured home unit.
3. MARQUEE or CANOPY. A permanent roofed structure attached to and supported by the building and projecting over public property.
4. MATERIALS. Maps, graphs, charts, drawings and the like and all printing or reproduction of same.
5. MINIMAL IMPACT DESIGN STANDARDS (MIDS). Standards developed by the MPCA to minimize stormwater runoff and pollution.
6. MINIMUM SUBDIVISION DESIGN STANDARDS. The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.
7. MOORING. Any containment of free-floating watercraft that provides a fixed fastening for the craft.

M. N

1. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the

Clean Water Act (Sections 301, 318, 402, and 405) and 33 C.F.R. §§ 1317, 1328, 1342, and 1345.

2. NATURAL DRAINAGE SYSTEM. All land surface areas which, by nature of their contour, configuration, collect, store and channel, surface water runoff.
3. NONCONFORMING STRUCTURE OR USE. Any structure or use which does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this chapter.

N. O

1. OBSCENE. Disgusting to the senses, repulsive, abhorrent to morality or virtue; specifically: designed to incite to lust or depravity, containing or being language regarded as taboo in polite usage; repulsive by reason of crass disregard of moral or ethical principles; so excessive as to be offensive.
2. OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water.
3. OBSTRUCTION, NATURAL. Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a water body, watercourse or wetland by a non-human cause.
4. OFF-STREET LOADING SPACE. A space accessible from the street, alley or way in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. The space shall be of a size as to accommodate one truck of the type typically used in the particular business.
5. OPERATOR. The person designated by the owner, who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The operator must be named on the permit as the permittee.
6. ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands, and shall be an elevation delineating. The highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the Ordinary High Water Level is the elevation of the top of the bank of the channel.
7. OWNER.
  - a. The person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease, easement, or mineral rights license holder, the party or individual identified as the lessee, easement or mineral rights license holder; or the contracting government agency responsible for the construction activity.
  - b. OWNER also means an individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

O. P

1. PARAPET. A low wall which is located perpendicular to the extension of the front wall and a roof of a building.
2. PARK MANAGER. The person who owns or has charge, care or control of the manufactured home park.
3. PARKING SPACE. An area, enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one (1) automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

4. PATIO. A horizontal unenclosed structure, at or within five (5) inches of ground level with or without attached railings, seats, trellises or other features attached or functionally related to a principal use or site.
5. PAVED SURFACE. A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to roads, sidewalks, driveways and parking lots.
6. PEDESTRIAN WAY. Public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.
7. PERMANENT COVER. Surface types that will prevent soil failure under erosive conditions. Examples include gravel, asphalt, concrete, rip rap, roof tops, perennial cover, or other landscaped material that will permanently arrest soil erosion.
8. PERMANENT COVER does not include the practices listed under temporary erosion protection.
9. PERMIT. A written permit or certification issued by the Building Inspector permitting the construction, alteration and extension of any permanent structure within the manufactured home park.
10. PERMITTEE. A person or persons, firm, or governmental agency or other entity that signs the application submitted to the MPCA and is responsible for compliance with the terms and conditions of the construction permit.
11. PERVIOUS SURFACE. Any surface maintained in its natural condition or covered by a material that permits infiltration or percolation of water into the ground.
12. PLANNED UNIT DEVELOPMENT. A type of development characterized by a unified site design which may include a variety of land uses and structures. The Planned Unit Development is distinguished from the traditional subdivision and site plan approval processes of development in that development standards such as setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer and the municipality, except that land uses and densities shall be consistent with that permitted by the Comprehensive Plan.
13. PLANNING COMMISSION. The Planning Commission of the City of Lindstrom.
14. PRACTICAL DIFFICULTIES. As used in connection with the granting of a variance, practical difficulties include:
  - a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
  - b. The plight of the property owner is due to circumstances unique to the property and not created by the owner; and
  - c. The variance, if granted, will not alter the essential character of the locality.
  - d. Economic considerations alone do not constitute practical difficulties.
  - e. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
15. PRELIMINARY PLAT. The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Council for their consideration, as compliance with the comprehensive development plan and these regulations along with required supporting data.
16. PRINCIPAL STRUCTURE. All structures that are not accessory structures.
17. PRIVATE COMMON ACCESS. A privately-owned access road.
18. PROTECTED, PRESERVED OR UNDISTURBED TREE. Any tree with no less than 60 percent of the critical root zone left undisturbed or which has been protected during the construction process by the tree protection methods described in Chapter 151.
19. PUBLIC WATER. A body of water capable of substantial beneficial public use and further defined by Minn. Stat. § 103G.005, Subd. 15, as it may be amended from time to time. This shall be construed to mean any body of water which has the potential to support any type of recreational

pursuit or water supply purpose. However, no lake, pond or floodage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles shall be considered a public water under this chapter. The PUBLIC WATER shall be determined by the State Department of Natural Resources. Any body of water created by a private user where there was no previous shoreland for a designated private use as approved by the Commissioner of the State Department of Natural Resources is not included as a PUBLIC WATER.

P. R

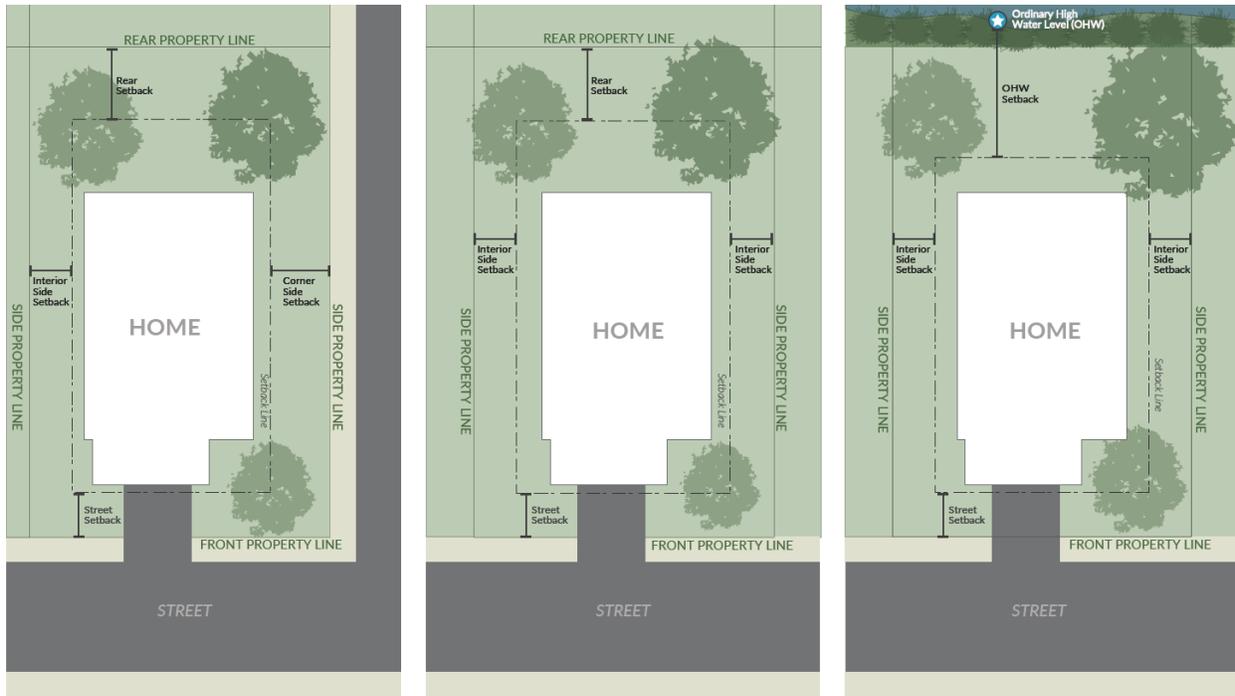
1. REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
2. REDEVELOPMENT. Any development that is not considered new development.
3. REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the terms "base flood," "1 percent-annual-chance flood" and "100-year flood."
4. REGULATORY FLOOD PROTECTION ELEVATION. An elevation no lower than one (1) foot above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the floodplain that result from the designation of a floodway.
5. RESTRICTED WATERCRAFT. Any boat or vessel, including jet skis, for use on the public waters except for unrestricted watercraft as defined in this section.
6. RESTRICTIVE COVENANTS. Contracts entered into between private parties and constituting a restriction on the use of private property within a subdivision for the benefit of the property owners to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
7. RETAIN. To manage stormwater on site using a low-impact development approach so that the rate and volume of predevelopment stormwater reaching receiving waters is unchanged.
8. RIGHT-OF-WAY. Land dedicated and publicly owned for use as a public street, alley or crosswalk.
9. RIPARIAN LAND. Land adjacent to public waters, drainage systems, wetlands, or locally designated priority waters.
10. RUNOFF COEFFICIENT. The average annual fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete asphalt or other surface upon which it falls that will appear at the conveyance as runoff.

Q. S

1. SATURATED SOIL. The highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.
2. SEDIMENT. The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported or has been moved by water, air or ice, and has come to rest on the earth's surface either above or below water level.
3. SEDIMENT CONTROL. Methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, bio rolls, rock logs, compost logs, storm drain inlet protection, and temporary or permanent sedimentation basins.
4. SEDIMENTATION. The process or action of depositing sediment caused by erosion.
5. SELECTIVE CUTTING. The removal of single scattered trees.
6. SENSITIVE RESOURCE MANAGEMENT. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over

groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

7. **SETBACK.** The minimum horizontal distance between a structure, sewage treatment system or other facility and an Ordinary High Water Level, top of a bluff, road, highway, property line or other facility.



*Corner Lot*

*Interior Lot*

*Riparian Lot*

8. **SETBACK, BUILDING.** The minimum horizontal distance between the building and the specified lot line.
9. **SEWAGE TREATMENT SYSTEM.** A tank and soil absorption system or other individual or cluster sewage treatment system.
10. **SEWER SYSTEM.** Pipelines or conduits, pumping stations, force main and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
11. **SHORE IMPACT ZONE.** Land located between the Ordinary High Water Level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.
12. **SHORELAND.** Land located from public water 1,000 feet from the Ordinary High Water Level of a lake, ponds or flowage and 300 feet from a river or stream or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources. Shoreland areas shall be as designated on a map prepared by the City.
13. **SHRUB.** A small perennial bush, having several woody stems that grow from the base, is not tree-like in appearance, is planted from a #5 container or larger, and is not determined to be invasive or aggressive by the Zoning Administrator.

14. **SIGNIFICANT HISTORIC SITE.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
15. **SLOPE.** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
16. **SLOPE, STEEP.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, **STEEP SLOPES** are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
17. **SMALL CONSTRUCTION ACTIVITY.** Means small construction activity as defined in 40 C.F.R. pt. 122.26(b)(15). Small construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres. Small construction activity includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres.
18. **SOIL.** The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this chapter, stockpiles of sand, gravel, aggregate, concrete or bituminous materials are not considered "soil stockpile."
19. **STABILIZED.** Exposed ground surface has been covered by appropriate materials such as mulch, staked sod, rip rap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass, agricultural crop or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically two tons/acre).
20. **STAFF AND/OR CONSULTING TIME.** Any time spent in either researching for or actual production of materials in excess of the base fee.
21. **STORMWATER.** Defined under Minn. Rules 7077.0105(41)(b), and includes precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage.
22. **STORMWATER DETENTION FACILITY.** A permanent manmade structure for the temporary storage of runoff that may contain a permanent pool of water.
23. **STORMWATER POLLUTION CONTROL PLAN.** A joint stormwater and erosion and sediment control plan that is a document containing the requirements hereof, that when implemented will decrease soil erosion on a parcel of land and off-site non-point pollution and sediment damages.
24. **STORMWATER POLLUTION PREVENTION PLAN (SWPPP).** A plan for stormwater discharge that includes erosion prevention BMPs, sediment control BMPs, and permanent stormwater management systems that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.
25. **STORY.** The portion of a building included beneath the upper surface of a floor and upper surface of the floor next above, except that the topmost story shall be that portion of a building, included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused under floor space is more than six (6) feet above grade, as defined herein, for more than 50 percent of the total perimeter or is more than 12 feet above grade, as defined herein, at any point the basement, cellar or unused under floor space shall be considered as a story.

26. STREET. A public right-of-way for vehicular traffic which affords primary means of access to abutting property, whether designated as a street, highway, thoroughfare, arterial, parkway, throughway, road, avenue, lane, place or however otherwise designated.
27. STREET, ARTERIAL. A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.
28. STREET, COLLECTOR. A street which carries traffic from minor streets to thoroughfares or from thoroughfare to thoroughfare. It includes the principal entrance streets of a residential development and for circulation within a development.
29. STREET, CUL-DE-SAC. A minor street with only one (1) outlet and having a turnaround.
30. STREET, LOCAL. A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
31. STREET, PRIVATE. A private access way that connects abutting properties to a public street, differs from a private driveway in that it is on a separate parcel from the structures it serves, and that is owned and maintained by a homeowners association or similar entity.
32. STREET, SERVICE. Marginal access street, or otherwise designated, is a local street which is parallel and adjacent to a collector or arterial street and which provides access to abutting properties.
33. STREET FRONTAGE. The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.
34. STREET WIDTH. The shortest distance between the lines delineating the right-of-way of a street.
35. STRUCTURE. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, and other similar items.
36. STRUCTURE, HISTORIC. A structure as defined in 44 C.F.R. pt. 59.1.
37. SUBDIVIDER. The owner, agent or person having control of the land as the term is used in this chapter.
38. SUBDIVISION. The division of a parcel of land into two (2) or more lots or parcels. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
39. SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
40. SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
  - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official, and that are the minimum necessary to assure safe living conditions; or
  - b. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Title, "historic structure" shall be as defined in 44 C.F.R. pt. 59.1.
41. SURFACE WATER OR WATERS. All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include treatment basins or ponds that were constructed from upland.

42. SURFACE-WATER-ORIENTED COMMERCIAL USE. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of the use.
43. SURFACE WATERS, GENERAL DEVELOPMENT. Those waters whose shores are presently characterized by industrial or commercial or high density, residential development.
44. SURFACE WATERS, NATURAL ENVIRONMENT. Those waters whose shores are presently characterized by low density, single-family residential development.
45. SURFACE WATERS, RECREATIONAL DEVELOPMENT. Those waters characterized by medium density, residential development with or without limited service-oriented commercial development.
46. SURVEYOR. The registered surveyor appointed or engaged by the Council for the purpose of attaining the goals and complying with the requirements of this Title.
47. SWALE. A low tract of land, especially when moist or a shallow trough-like depression that carries water mainly during rainstorms or snow melts.

R. T

1. TEMPORARY EROSION PROTECTION. Methods employed to prevent erosion during construction activities. Examples of temporary erosion protection include straw, wood fiber blanket, wood chips, vegetation, mulch, and rolled erosion control products.
2. TEMPORARY PROTECTION. Short term methods employed to prevent erosion. Examples of the protection include; straw, mulch, erosion control blankets, wood chips and erosion netting.
3. TRANSPARENCY, FAÇADE. The percentage of a building façade which is made up of transparent materials, including glass, etc.
4. TREE. A woody stemmed perennial plant with lateral branching from the main stem(s) occurring a minimum of six (6) inches off the ground and a minimum height of 10 feet at maturity.
5. TREE, CANOPY. A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of the canopy tree is to provide shade to adjacent ground areas.
6. TREE, DECIDUOUS. A tree which naturally sheds its leaves/foliage annually.
7. TREE, EVERGREEN. A tree with foliage that persists and remains green year-round.
8. TREE, ORNAMENTAL. A tree that does not exceed more than 25 feet in height or crown diameter at maturity and has an ornamental characteristics to include showy flowers, fruit, foliage, or bark.
9. TREE, SIGNIFICANT. Trees which are healthy and measure a minimum of eight (8) inches in diameter four and one half (4.5) feet above the ground for hardwood deciduous trees, measure a minimum of 12 inches in diameter four and one half (4.5) feet above the ground for softwood deciduous trees, or measure greater than eight (8) feet in height for coniferous trees. Some examples of significant deciduous trees include, but are not limited to:
  - a. Hardwood deciduous trees –elm, hickory, birch, oak, maple (hard); and
  - b. Softwood deciduous trees – cottonwood, box elder, poplars/aspen, silver maple, willow.
10. TREE CERTIFICATION. A certified inventory of trees on the site after work is complete listing all trees and their final disposition. The tree certification shall be signed by a licensed forester or landscape architect.
11. TREE PRESERVATION PLAN. A plan and inventory certified by a forester or landscape architect indicating all of the significant trees, which trees are going to be preserved and what measures will be taken to preserve them.
12. TREE RESTORATION PLAN. A plan certified by a forester or landscape architect that shows the number, type, size, and location of trees to be planted to meet tree restoration requirements.

S. U

1. UNRESTRICTED WATERCRAFT. A boat or vessel, 20 feet or less in length and unmotorized, and which is propelled solely by human power on the public waters.
2. UPLAND. All lands at an elevation above the normal high water mark.
3. URBAN. Of, relating to, characteristic of, constituting a city.
4. USABLE OPEN SPACE. Designed outdoor space intended for passive or active recreation that is accessible and suited to the needs of the development's residents and/or employees, and shall generally have the following characteristics:
  - a. Functional and aesthetic design that relates to the principal building or buildings, with clear edges, including seating, landscaping, recreational facilities, sidewalk connections, and other amenities;
  - b. May be designed as courtyards, plazas, picnic areas, swimming pools, play areas, rooftop patios/gardens, or trails within natural areas;
  - c. Compatible with or expands upon existing pedestrian connections and public parks or open space;
  - d. May include both private common areas for use by all residents of that development, as well as a private unit's open space for exclusive use by that unit's residents; and
  - e. Does not include driveways, parking areas, steep slopes, or stormwater ponds.

T. V

1. VARIANCE. A modification or variation of the provisions of this Zoning Ordinance as applied to a specific piece of property.
2. VEGETATED OR GRASSED SWALES. A vegetated earthen channel that conveys stormwater, while treating the stormwater by biofiltration. The swales remove pollutants by both filtration and infiltration.
3. VEGETATION. The sum total of plant life in some area or a plant community with distinguishable characteristics.
4. VERTICAL CURVE. The surface curvature on a street center line located between lines of different percentage of grade.

U. W

1. WATER BODY. A body of water (lake, pond) in a depression of land or expanded part of a river or an enclosed basin that holds water and is surrounded by land.
2. WATERCOURSE. A channel or depression through which water flows, such as rivers, streams or creeks, and may flow for year round or intermittently.
3. WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of the structures and facilities include gazebos, screen houses, fish houses, pump houses and detached decks.
4. WATERS OF THE STATE. As defined in Minn. Stat. § 115.01(22), as it may be amended from time to time, all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. Under Minn. Rules Part 7050.0130 subp. 2, disposal systems or treatment works operated under permit or certificate of compliance of the agency are not WATERS OF THE STATE.
5. WATERSHED. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.
6. WATERSHED MANAGEMENT OR FLOOD CONTROL STRUCTURE. A dam, flood wall, wingdam, dike, diversion channel or an artificially depended or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for

altering or regulating the natural flow condition of a river or stream. The term watershed management or flood control structure does not include pilings, retaining walls, gabon baskets, rock riprap or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of the State Department of Natural Resources.

7. WETLANDS. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:
  - a. A predominance of hydric soils;
  - b. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
  - c. Under normal circumstances support a prevalence of such vegetation.
  - d. Two references of what is an existing identified wetland are the National Wetlands Inventory maps distributed by the U.S. Department of the Interior's Fish and Wildlife Service and the Minnesota Department of Natural Resources' maps of protected waters and wetlands.
8. WILDLIFE. All free, living non-domesticated animals.

V. Y

1. YARD. An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A YARD extends along a lot line at right angles to the lot lines to a depth or width specified in the yard regulations for the zoning district in which the lot is located.
2. YARD, FRONT. A yard extending across the road side of the lot between the side lot lines and lying between the road and the nearest line of the principal building.
3. YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
4. YARD, SIDE. A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard.

W. Z

1. ZONING ADMINISTRATOR. The Zoning Administrator of the City of Lindstrom.
2. ZONING DISTRICT. A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
3. ZONING MAP. The maps or map incorporated into Chapter 151 as part thereof, and as amended, designating the zoning districts.
4. ZONING ORDINANCE. Chapter 151 of this Code of Ordinances controlling the use of land as adopted by the City.

#### 154.01.12 Use Definitions

A. A

1. ACCESSORY DWELLING UNIT (ADU). A self-contained dwelling unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is located within, attached to, or on the same lot as an existing residential dwelling.
2. ADULT ORIENTED ENTERTAINMENT BUSINESS. Any business that is characterized by, or places a significant emphasis on, providing its patrons with merchandise, services or entertainment that is characterized by an emphasis on the depiction, exposing, describing, discussing of "specified sexual activities" or "specified anatomical areas". For purposes of this definition, Adult Establishments include, without limitation, adult bookstores, adult motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health

clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

3. AGRICULTURE. The growing of produce or livestock on farms. This use includes field crop farming; pasture for hay; fruit growing tree, plant, shrub or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding, but does not include fur farms, poultry, commercial animal feed lots and animal boarding facilities.
4. AMBULANCE OR MEDICAL CARRIER SERVICE. The provision of transporting a patient via ambulance to or between hospitals. This public or private service includes both emergency ambulance service and routine ambulance service.
5. ANIMAL BOARDING, SHELTER, OR DAYCARE CENTER. Any structure or premises on which more than three (3) dogs or cats over six (6) months of age are temporarily or permanently boarded, including animal day care/spa facilities. Veterinary clinics providing boarding as part of medical services are not included in this use.
6. ANIMAL/VETERINARY CLINIC OR HOSPITAL. A clinic operated by a licensed veterinarian exclusively for the diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above. The facility may also provide boarding for animals as part of medical services.
7. ANTENNA. Any pole, rod, monopole, tower, earth station, conical or dish shaped or similar device that is free standing or held aloft by a support structure and is used in whole or in part for the collection, communication, transmission or receiving of telecommunications signals.
8. APARTMENT UNIT. A room or suite of rooms which is designed for, intended for or occupied as a residence by a single-family or an individual and is equipped with cooking facilities, includes dwelling unit and efficiency unit.
9. ASSISTED LIVING FACILITY. A residential facility licensed by the state which provides services on a regular basis, such as personal services, 24-hour supervision, social activities, and health-related care and services, to individuals who require the assistance, but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.
10. AUTOMOBILE FUELING AND SERVICE STATION. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels. Additional services provided may include, but are not limited to, the sale of automobile accessories and groceries, greasing and oiling, and the replacement of parts and motor services.
11. AUTOMOBILE REPAIR, MAJOR. 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; or vehicle steam cleaning.
12. AUTOMOBILE REPAIR AND SERVICE, MINOR. Incidental body or fender work, or other minor repairs, painting and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding 9,000 pounds gross weight, but not including any operation named under "Automobile Repair, Major," or any other similar thereto.
13. AUTOMOBILE SALES, LEASING, AND SERVICE. Any land or buildings, other than a street, used for the display, sale, rental, or service of new or used motor vehicles or trailers in operable condition and where no repair work is done.

B. B

1. BAR OR DRINKING PLACE. An establishment or part of an establishment used primarily for the sale or dispensing of liquor for consumption on the premises.
2. BREWPUB. A restaurant with an accessory small brewery.

3. BREWERY, WINERY, OR DISTILLERY. A facility that produces beer, ale or other beverages made from malt by fermentation and containing not less than one-half ( $\frac{1}{2}$ ) of one (1) percent alcohol by volume.
4. BED AND BREAKFAST. An owner-occupied business within a residential structure with no more than six (6) guest rooms where short-term accommodations are provided to guests for compensation. The service of food shall be limited to breakfasts served to overnight guests only.
5. BUSINESS. Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

C. C

1. CEMETERY. A parcel or tract of land used or intended to be used for the burial of the human dead including columbaria, mausoleums and mortuaries when operated within the boundaries of such cemetery.
2. CLINIC. A facility used primarily for the provision of outpatient medical, dental, chiropractic, therapeutic, optometric or mental health care and treatment.
3. CLUB OR LODGE. A nonprofit association of persons who are bona fide members paying regular dues, with the use of premises being restricted to members and their guests for receptions, social recreation, and other gatherings.
4. COMMERCIAL CENTER. Commercial sites that consist of primarily retail establishments with two (2) or more separate businesses managed as a total entity and sharing common access, circulation, and pedestrian and parking areas so that a public right-of-way does not need to be used to get from one business to another.
5. COMMERCIAL GREENHOUSE, NURSERY, OR TREE FARM. A use involving the growing, harvesting, and/or sale of trees, shrubs, decorative plants, or wood products.
6. COMMUNITY GARDEN. A private or public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one (1) person or family.
7. CONSTRUCTION CONTRACTOR YARD. A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials customarily required in the building trades by a construction contractor.
8. CONTINUING CARE FACILITY. A residential facility or complex which provides a variety of senior living choices, from independent living to long-term care, with a goal of helping residents to age in place.
9. COTTAGE COURTYARD DEVELOPMENT. Cluster of single-family principal dwellings (3 to 10 units total), in the form of smaller detached houses, arranged around a shared courtyard or open space that is typically perpendicular to the street. The shared courtyard takes the place of individual rear yards and becomes an important community-enhancing element of this housing type. Cottage courtyard housing may consist of site-built houses, manufactured and modular houses, or tiny houses.

D. D

1. DAYCARE CENTER. A state-licensed facility other than a private residence that provides for the care of children during only part of a 24-hour day. This term includes nursery schools, preschools, day care facilities, and other similar uses but excludes public and private schools or any facility offering care of individuals for a full 24-hour period.
2. DAYCARE, FAMILY. A dwelling unit where a resident of the dwelling is providing care under Minnesota Rules 9502 for less than 24 hours at a time for no more than 10 children, of which no more than six (6) children are under school age.
3. DAYCARE, GROUP FAMILY. A dwelling unit where a resident of the dwelling is providing care under Minnesota Rules 9502 for less than 24 hours at a time for up to 14 children, of which no more than 10 may be school age.

4. DISTILLERY. A facility that produces ethyl alcohol, hydrated oxide of ethyl, sprits of wine, whiskey, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof for non-industrial use.
5. DRIVE-THRU ESTABLISHMENT. An accessory use, structure, or portion of a principal structure where patrons may purchase products or receive service without having to leave their motor vehicle (and enter a building).
6. DWELLING. A building or portion thereof, designated exclusively for residential occupancy, including single-family and multiple-family dwellings, but not including hotels, motels, bed and breakfasts, and mobile homes.
7. DWELLING, FACTORY-BUILT. A dwelling unit which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. Factory-built dwellings do not include manufactured or mobile homes.
8. DWELLING UNIT. A residential building or portion thereof that provides complete living facilities, including bathroom and kitchen facilities, and is intended for occupancy by one (1) family.
9. DWELLING, SINGLE-FAMILY DETACHED. A site-built or factory-built residential structure designed to house a single family on a single lot which is not attached to any other dwelling unit, excluding an accessory dwelling unit.
10. DWELLING, MANUFACTURED HOME. A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, when erected, on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and which complies with the manufactured home building code (Minn. Stat. 327.31 subd. 6).
11. DWELLING, TWINHOME. A residential structure designed to house a single family on a single lot which is attached by a common wall or walls to an adjoining dwelling unit or units.
12. DWELLING, TWO- TO FOUR-FAMILY. A single residential structure on a single lot which is designed for the occupancy of two, three, or four families living independently of one another.
13. DWELLING, ATTACHED TOWNHOUSE OR ROWHOUSE. A single-family unit which is located within a larger residential structure containing three (3) or more units and which is separated from the adjoining dwelling unit(s) by a common wall. Each dwelling unit may be located on its own individual lot or on a common lot containing all of the attached units, and each dwelling unit shall have separate and individual front and rear entrances.
14. DWELLING, APARTMENT BUILDING. A building consisting of five (5) or more apartment units designed exclusively for occupancy by five (5) or more families living independently of one another, but sharing hallways and main entrances and exits.
15. DWELLING, APARTMENT MIXED USE. A building designed for one (1) or more dwelling units as well as non-residential uses that are permitted in the zoning district to be located on the ground story, with all dwelling units sharing a joint entrance from the outside.
16. DWELLING, LIVE/WORK. A dwelling unit used jointly for both residential and commercial uses.
17. DWELLING WITH RESIDENTIAL SUPPORT SERVICES. A residential building intended primarily for persons over age 55 which provides regularly scheduled supportive services to residents.
18. DWELLING, EARTH SHELTERED. A detached dwelling unit constructed so that 50 percent or more of the exterior surface is covered or in contact with earth. Exterior surface includes all walls and roof, but excludes garages and other accessory buildings. Earth covering on walls is measured from the floor of the structure's lowest level. Earth covering on the roof must be at least

12 inches deep to be included in calculations of earth covering. Partially completed buildings shall not be considered earth sheltered.

E. E

1. **ESSENTIAL SERVICES.** Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal system including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.

F. F

1. **FAMILY.** An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship or a group of not more than five (5) unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club lodge, sorority or fraternity house, as herein described.
2. **FUNERAL HOME.** An establishment providing services such as preparing the deceased for burial or cremation and arranging and managing funerals. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings.

G. H

1. **HOME OCCUPATION.** An occupation, profession, or activity, whether conducted for profit or not for profit, that is carried on by a resident of the dwelling in a manner that the use is limited in extent and secondary to the use of the dwelling for residential purposes. An occupation, profession, or activity shall not be considered a home occupation if the resident is performing administrative, clerical, or research work in their home for a licensed entity located elsewhere. A family child care provider or a group family child care provider shall also not be considered a home occupation.
2. **HOSPITAL.** An establishment providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured.
3. **HOTEL.** Any building containing six (6) or more guest rooms in which temporary lodging is offered to guests for compensation, and in which access to and from each room or unit is through interior lobbies, courts, or halls. Additional services such as restaurants, meeting rooms, entertainment, and recreational facilities may also be provided.

H. I

1. **INDOOR RECREATIONAL FACILITY, COMMERCIAL.** Indoor facilities operated as a business and which are open to the public for a fee that shall include, but are not limited to, billiard parlors, skating rinks, indoor swimming pools, bowling alleys, movie theaters, arcades, health clubs, reception halls, and other similar businesses. Such businesses may also provide a snack bar, restaurant, retail sales of related items, and other support facilities.

I. L

1. **LONG-TERM CARE FACILITY.** A facility that provides meals, lodging, and nursing care to two (2) or more individuals due to illness, age, or infirmity. Long-term care facilities include skilled nursing facilities such as nursing homes, rest homes, boarding care homes, convalescent care, and other transitional care facilities.

J. M

1. **MANUFACTURING, LIGHT.** All uses which include the compounding, processing, packaging, treatment or assembly of products and material provided the use will not generate offensive odors, glare, smoke, dust, noise, vibration or other objectionable influences that extend beyond the lot on which the use is located. Odors produced on-site shall not negatively affect other businesses or properties in the area. Examples include, but are not limited to the following: food; pharmaceuticals; clothes; furniture (where wood is milled off-site); hardware; toys; light sheet

metal products; mechanical components; printing; recyclers that process indoors; small vehicle assembly; and computer software.

2. MANUFACTURED HOME PARK. An approved manufactured home park which has underground utility service to each site and only permits independent manufactured homes.
3. MARINA, PUBLIC. A sheltered harbor where one to six (1-6) boats are kept in the water and where services geared to the needs of recreational boating are found. The marina may have daily and overnight boat mooring and parking of vehicles.
4. MARINA, COMMERCIAL. A marina is a sheltered harbor where boats are kept in the water and where services geared to the needs of recreational boating are found. The marina may have daily and overnight boat mooring, re-fueling, winterizing services, winter storage, stores, restaurants, and parking of vehicles.
5. MEMBRANE STRUCTURE. A structure usually consisting of an aluminum, steel or plastic frame which is covered with a plastic, fabric, canvas or similar nonpermanent material and is used to provide for the storage of vehicles, boats, recreational vehicles or other personal property. The term "membrane structure" shall also apply to structures commonly known as hoop houses, canopy-covered carports and tent garages and can be fully or partially covered but shall not apply to boat lifts and canopies which are placed in public waters.
6. MOORING FACILITY. A concentrated area intended solely for the mooring or containment of up to six watercraft or seaplanes by docks, mooring buoys or other means.
7. MOTEL. A building or group of buildings containing six (6) or more guest rooms in which temporary lodging is offered to guests for compensation, and in which access to and from each room or unit is through an exterior door.
8. MUNICIPAL, COUNTY STATE, OR FEDERAL ADMINISTRATIVE OR SERVICES BUILDING. A structure or structures in which municipal, county, state, or federal administrative offices are located or services are provided.
9. MUNICIPAL SOCIAL, CULTURAL, OR RECREATIONAL FACILITY. An area of land, water or any building in which social and cultural events, amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent.

K. O

1. OFFICE. An establishment used primarily for conducting the predominantly administrative or clerical service affairs of a business, profession, service, industry or government, or like activity. This use may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand and child care facilities.
2. OPEN AND OUTDOOR STORAGE. The storage of personal or business property for a period greater than 24 hours outside of an enclosed building.
3. OUTDOOR DINING. A specified outdoor area for dining which is accessory to a principal restaurant or food service establishment use.
4. OUTDOOR RECREATIONAL FACILITY, COMMERCIAL. Land or outdoor facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to, golf courses, outdoor swimming pools, amusement parks, and other similar businesses. Such facility may also provide a snack bar, restaurant, retail sales of related items, and other support facilities.

L. P

1. PARK. Area of public land developed and maintained for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, play fields and special purpose areas.
2. PARKING FACILITY. A land surface or facility providing off-street vehicular parking spaces with drives and maneuvering lanes so as to provide access for entrance and exit. Parking facilities may include public garages, parking ramps, surface parking lots, and other similar uses.

3. PLACE OF WORSHIP. Building(s) or structure(s) which by design, construction, and/or adaptation are primarily intended for the conducting of organized religious services and associated accessory uses.

M. R

1. RECREATIONAL FACILITY, PUBLIC. An indoor or outdoor public place or facility designed and equipped for the conduct of sports and leisure-time activities.
2. RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. For the purposes of this title, the term RECREATIONAL VEHICLE shall be synonymous with the term "travel trailer/travel vehicle".
3. RECREATIONAL VEHICLES AND EQUIPMENT. Includes but is not limited to boats, personal watercraft, snowmobiles, all-terrain vehicles, motorcycles, and related trailers.
4. RESTAURANT. An establishment, where food and drink are prepared and served for human consumption, principally within the establishment or for take-out to be consumed off-premises.
5. RESIDENTIAL CARE FACILITY. An in-home residential facility licensed by the state which provides primarily nonmedical care to individuals who are in need of personal assistance to manage the activities of daily life or for the protection of the individual.

N. S

1. SCHOOL, COLLEGE/UNIVERSITY/TRADE/BUSINESS. A building used for the purpose of public or private post-secondary education.
2. SCHOOL, ELEMENTARY OR SECONDARY. A building used for the purpose of public or private elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota, and not providing residential accommodations.
3. SCRAP OR SALVAGE STORAGE YARD. Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, waste, reclaimable material or debris.
4. SHORT-TERM VACATION RENTAL. A dwelling, or portion thereof, that is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.
5. SMALL-SCALE SOLAR ENERGY GENERATION SYSTEM. A solar collector or other device mounted on a building, pole, or rack whose primary purpose is to harvest energy by transferring solar energy into another form of energy. This does not include ground-mounted solar systems.
6. SMALL-SCALE WIND ENERGY CONVERSION SYSTEM (WECS). An electrical generating facility with 5,000 kW nameplate generating capacity or less that consists of a wind turbine, feeder line(s), associated controls and may include a tower.
  - a. HORIZONTAL AXIS WIND TURBINE. A wind turbine design in which the rotor shaft is parallel to the ground and the blades are perpendicular to the ground.
  - b. HUB. The center of a wind generator rotor, which holds the blades in place and attaches to the shaft.
  - c. HUB HEIGHT. The distance measured from natural grade to the center of the turbine hub.
  - d. MONOPOLE TOWER. A tower constructed of tapered tubes that fit together symmetrically and are stacked one section on top of another and bolted to a concrete foundation without support cables.
  - e. TOTAL HEIGHT. The highest point above natural grade reached by a rotor tip or any other part of a wind turbine.
  - f. VERTICAL AXIS WIND TURBINE. A type of wind turbine where the main rotor shaft runs vertically.

- g. WIND TURBINE. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
  - 7. SPECIALTY FOOD OR COFFEE SHOP. An establishment whose primary business is the sale of a single specialty type of food or beverage that is not considered a complete meal (e.g. candy, coffee, ice cream) for consumption on or off premises. The sale of other food, beverages, or merchandise is incidental to the sale of the specialty food or beverage.
  - 8. STANDALONE STORE, RETAIL OR SERVICE. A detached structure where goods or services are sold.
  - 9. STORAGE FACILITY, PERSONAL. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.
  - 10. STUDIO OR GALLERY. An establishment engaged in the sale, loan, or display of visual works of art.
  - 11. SWIMMING POOLS. A constructed or pre-fabricated in-ground or above-ground structure over 24 inches deep and containing more than 5,000 gallons of water designed or used for recreational purposes including swimming, diving and bathing.
- O. T
- 1. THEATER, DANCE, OR MUSIC PERFORMANCE FACILITY. A facility used for the production, preparation, and performance of dramatic, dance, musical, or other live performances.
  - 2. TELECOMMUNICATION STRUCTURE OR TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, (e.g., monopoles and similar structures).
- P. U
- 1. USE. The purpose or activity for which the land or building thereon is designated, arranged or intended or for which it is occupied, utilized or maintained and shall include the performance of the activity, as defined by the performance standards of this chapter.
  - 2. USE, ACCESSORY. A use subordinate to and servicing the principal use or structure on the same lot and customarily incidental thereof.
  - 3. USE, INTERIM.
    - a. A temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it.
    - b. INTERIM USES are permitted in all zones of the City according to the provisions hereof.
  - 4. USE, CONDITIONAL. A specific type of land use listed in the official control that may be allowed, but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes. and upon a finding that:
    - a. Certain conditions, as detailed in zoning ordinance, exist; and
    - b. The structure and/or land use conform to the comprehensive land use plan, if one exists, and
  - 5. USE, PERMITTED. A land use which is specifically allowed in a zoning district.
  - 6. USE, PERMITTED WITH STANDARDS. A land use which may be lawfully established in a particular district or districts, provided certain standards are met.
  - 7. USE, PRINCIPAL. The main use of land or buildings as distinguished from subordinate or accessory uses.
  - 8. USE, SUBSTANDARD. Any use which is permitted within the applicable zoning district, but does not meet the minimum lot area, frontage, setbacks or other dimensional standards of this chapter.
- Q. W
- 1. WAREHOUSE AND DISTRIBUTION FACILITY. An establishment engaged in the storage and distribution of manufactured products, supplies, and equipment.

2. WHOLESALE TRADE ESTABLISHMENT. An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, individuals or companies.
3. WINERY. A processing facility used for the fermenting and processing of fruit juice into wine; or the refermenting of still wine into sparkling wine.