

Section 2. Definitions

The following words and terms, wherever they occur in this ordinance, shall be interpreted as herein defined:

Subd. 1. Accessory Structure or Facility. Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 2. Agriculture Uses. Those uses commonly associated with the growing of produce on farms. These include: Field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale of in season products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feed lots, and kennels.

Subd. 3. Alley. A public right-of-way less than thirty (30) feet in width which affords secondary access to abutting property.

Subd. 4. Apartment. 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.

Subd. 5. Apartment Building. Three (3) or more apartments grouped in one building.

Subd. 6. 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.

Subd. 7. Artificial Obstruction. Any obstruction which is not a natural obstruction (see obstruction).

Subd. 8. 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; vehicle steam cleaning.

Subd. 9. Automobile Repair-Minor. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding nine thousand (9,000) pounds gross weight, but not including any operation specified under "automobile repair-major".

Subd. 10. Automobile Wrecking or Junk Yard. Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any goods, articles, or merchandise.

Subd. 11. Basement. A portion of a building located partially underground, but having less than one-half (1/2) its floor to ceiling height below the average land grade.

Subd. 11A. Bed and Breakfast Establishments. Any place of lodging for five (5) or fewer rooms for rent, is the owner's place of residence, and is occupied by the owner at the time of rental.
(Ordinance No. 57, Adopted 2-5-91)

Subd. 12. Block. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines, waterways, or boundary lines of the corporate limits of the City, except in the Shoreland District a block shall mean a distance of 500 feet.
(Amended 8-3-93 ORD. #97)

Subd. 12A. Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics (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):

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the ordinary high water level of the waterbody;

- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- D. The slope must drain toward the waterbody. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 12B. Bluff Impact Zone. A bluff and land located within 20 feet from the top of a bluff. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 13. Boarding (House) Home-Foster Children. A family dwelling where children out of their own homes are cared for.

Subd. 14. Boarding House. A building other than a hotel where, for the compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided to five (5) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.

Subd. 15. Boathouse. A structure used solely for the storage of boats or boating equipment.

Subd. 16. Buildable Area. The portion of a lot remaining after required yards have been provided.

Subd. 17. Building. Any structure used or intended for the shelter, support, or enclosure of persons, animal, chaddle, or property of any kind and when separated by dividing walls without openings, each portion of such a structure so separated shall be deemed a separate building. **(Ordinance No. 11, Adopted 8-12-86)**

Subd. 18. 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 all other roof types.

Subd. 18A. 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 exceed. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 18B. Building Width. The building width shall be the narrowest dimensions measured to the exterior of the building regardless how it is orientated on the lot. The width is the installed width and does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space. Pro-vided, however, this minimum width regulation shall not apply to seasonal use rooms, such as porches and breeze ways, accessory buildings, garages or car ports, and provided further, that the minimum width requirement shall not apply to additions to existing structures where such addition is less than 400 square feet in area.

(Ordinance No. 11, Adopted 8-12-86)

Subd. 19. Business. Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Subd. 20. Carport. A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three (3) sides.

Subd. 21. Cellar. That portion of a building having more than one-half (1/2) of the floor to ceiling height below the average land grade.

Subd. 22. Channel. A natural or artificial depression of perceptible extent, with definite bed or banks to confine and conduct water either continuously or periodically.

Subd. 23. Church. A building together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Subd. 24. Clear-Cutting. The removal of an entire stand of trees.

Subd. 25. Club or Lodge. A club or lodge is a non profit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate

dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, provided such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state, and municipal laws.

Subd. 25A. Commercial Planned Unit Developments. Typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 26. Commercial Recreation. Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theater, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses.

Subd. 26A. Commercial Use. The principal use of land or buildings for the sale, lease, rental or trade of products, goods, and services. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 26B. Commissioner. The Commissioner of the Department of Natural Resources.**(Ordinance No. 67, Adopted 11-5-91)**

Subd. 27. Conditional Use. A land use or development as defined by Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 28. Conditional Use Permit. A permit issued by the council in accordance with procedures specified in this ordinance, 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.

Subd. 29. Condominium. A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Sections 515.01 and 515.19.

Subd. 30. Convenience Food Establishment. An establishment which serves food in or on disposable or edible containers in individual servings for consumption on and off the premises.

Subd. 31. Cooperative (Housing). A multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contracted to a condominium dwelling where individual units are under separate individual occupant ownership.

Subd. 32. Court. An unoccupied open space other than a yard which is bounded on two (2) or more sides by walls of the buildings.

Subd. 33. Crowding Potential. The ratio of total acreage to shore miles.

Subd. 34. Day Care Home. A family dwelling in which foster care, supervision and training for children of school or pre-school age out of their own home is provided.

Subd. 35. Day Care-Group Nursery. A service provided to the public, in which children of school or pre-school age are cared for during established business hours, including Montessori School.

Subd. 36. Department Store. A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and exhibited and sold directly to the customer for whom the goods and services are furnished.

Subd. 36A. Deck. A horizontal platform or floor with or without attached railings, seats, trellises, or other features, attached to or functionally related to a building, principal use or site. **(Ord. No. 363, Adopted 5/15/2012)**

Subd. 36B. Deck, Impervious. A deck that does not meet the requirements of a pervious deck as defined in this ordinance. **(Ord. No. 363, Adopted 5/15/2012)**

Subd. 36. C. Deck, Pervious. A deck constructed to incorporate the following specifications: maximum decking material board width is eight inches (8"); minimum spacing between boards is one quarter inch (1/4"); and the entire surface area under the deck is pervious material. **(Ord. No. 363, Adopted 5/15/2012)**

Subd. 37. Deposition. Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, water-course, floodplains, or wetlands.

Subd. 38. 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 herein.

Subd. 39. Diversion. A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

Subd. 40. Dog Kennel. Any place where three (3) dogs or more over six (6) months of age are boarded, bred, and/or offered for sale, except a veterinary clinic.

Subd. 41. Draining. The removal of surface water or ground water from land.

Subd. 42. Dredging. To enlarge or clean out a waterbody, watercourse, or wetland.

Subd. 43. Drive-In Establishment. An establishment which accommodates the patrons automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

Subd. 43A. Duplex, Triplex, and Quad. A dwelling structure on a single lot, having two, three, or four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking,

eating, living, and sanitation facilities. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 44. Dwelling. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings, but not including hotels, motels, and boarding houses.

Subd. 45. Dwelling, Manufactured (Mobile) Home. A structure transportable in one or more sections which, in a travel mode, is eight body feet or more in width or forty 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 required utilities; including plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all of the requirements with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under Minnesota Statutes, Chapter 327, Section 327.31. **(Ordinance No. 7, Adopted 3-4-86)**.

Subd. 46. Dwelling, Multiple (Apartment). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

Subd. 47. Dwelling, Single-Family. A detached dwelling unit designed exclusively for occupancy by one (1) family.

Subd. 47A. Dwelling Site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 48. Dwelling, Two-Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

A. Double Bungalow; a two-family dwelling with (2) units side by side.

Subd. 49. Dwelling Unit. Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations, such as motel, hotel, and resort rooms and cabins. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 50. Elderly (Senior Citizens) Housing. A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over sixty (60) years of age.

Subd. 51. Efficiency Apartment. A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.

Subd. 52. Essential Services. The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

Subd. 53. Equal Degree of Encroachment. The method of determining the location of encroachment lines so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for a significant reach.

Subd. 53A. Extractive Use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat not regulated under Minnesota Statutes, Section 93.44 to 93.51. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 54. Family. One (1) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than five (5) persons not so related maintaining a common household and using common cooking and kitchen facilities.

Subd. 55. Filling. The act of depositing any rock, soil, gravel, sand or other material so as to fill or partly fill a waterbody, watercourse, or wetland.

Subd. 56. Flood. A temporary rise in stream flow or stage which results in inundation of the areas adjacent to the channel.

Subd. 57. Flood Frequency. The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded. By strict definition, such estimates are designated "excedence frequency", but in practice the term "frequency" is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specific number of years.

Subd. 58. Flood Fringe. That portion of that floodplain outside of the floodway.

Subd. 59. Floodplain. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Subd. 60. Flood Profile. A graph or longitudinal plot of water surface elevations of a flood event along a reach of a stream of river.

Subd. 61. Floodway. The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

Subd. 62. Floor Area. The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include; basement floor area other than area devoted to retailing activities, the production of processing of goods, or to business or professional offices. The floor area of a residence shall include fifty (50) percent of the area of attached garages and twenty-five (25) percent of enclosed breezeways and porches, but shall not include basement area.

Subd. 62A. Forest Land Conversion. The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 63. Garage-Private. Any 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 (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 of one (1) or two (2) car capacity may be so rented.

Subd. 64. Garage-Public. A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Subd. 65. 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.

Subd. 66. Grading. Changing the natural or existing topography of the land.

Subd. 67. Group Care Facility. A facility which provides resident services to seven (7) or more individuals of whom one (1) or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. Category includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters, and half-way houses.

Subd. 67A. Guest Cottage. A structure used as a temporary dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on the lot. Such dwelling units are not to be used for rental purposes. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 68. Guest Room. A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

Subd. 68A. Height of Building. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lowest, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 69. Home Occupations. Any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling. Such activity shall be clearly incidental and secondary to the residential use of the premises. Permissible home occupations shall not include the conducting of a retail business other than by mail, manufacturing business, or a repair shop of any kind on the premises, and no stock in trade shall be kept or sold. No other persons residing on the premises shall be employed and no mechanical equipment shall be employed that is not customarily found in the home and no more than one (1) room may be devoted to home occupational use. Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior signs except as allowed in the sign regulations for the zoning district in which such home occupation is located. There shall be no exterior storage of equipment or materials used in the home occupation. No home occupation shall be permitted which results in or generates more traffic than one (1) car for off-street parking at any one given point in time. Permissible home occupations include, but are not limited to the following: Art studio, dressmaking, special offices of clergyman, lawyer, architect, engineer, accountant, or real estate agent or appraiser, when located in a dwelling unit occupied, or which is occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Subd. 70. Impervious Surface. Any material or surface that substantially reduces or impedes the infiltration of fluids, water, gas or air. **(Ord. No. 363, Adopted 05/15/2012)**

Subd. 70A. Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods,

products, commodities, or other wholesale items. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 70B. Intensive Vegetation Clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 71. Intermittent. A stream or portion of a stream that flows only in direct response to precipitation.

Subd. 72. Junk Yard or Salvage Operation. Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including but not limited to, scrap metal, rags, paper, hides, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles. **(Ordinance No. 315, Amended 09-11-07)**

Subd. 73. Loading Space. That portion of a lot or plot designed to service the purpose of loading or unloading all types of vehicles.

Subd. 74. Lodging House. A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.

Subd. 75. Lodging Room. A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

Subd. 76. Lot (Of Record). A lot which is part of a sub-division which has been recorded in the Office of the County Registrar of Deeds; or a lot divided by metes and bounds or otherwise legally described, the description of which has been recorded in the Office of the County Registrar. **(Ordinance No. 11, Adopted 8-12-86).**

Subd. 77. Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and

separated from other parcels or portions by said description for the purpose of sale, lease, or separation. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 78. Lot Area. The area of a horizontal plane within the lot lines.

Subd. 79. Lot Area Per Family. The lot area required by this ordinance to be provided for each family in a dwelling.

Subd. 80. Lot, Auditors. A lot termed an auditors lot on any plat shall be defined the same as "lot" for purposes of this ordinance.

Subd. 81. 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 one hundred thirty-five (135) degrees or less.

Subd. 82. Lot, Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Subd. 83. Lot, Double Frontage. An interior lot having frontage on two (2) streets.

Subd. 84. Lot, Frontage. The front of a lot shall be construed to the portion of the lot nearest the street, road, or body of water if the lot abuts water. When the lot abuts a body of water, the shoreline shall be considered the front yard. **(Ordinance No. 11, Adopted 8-12-86).**

Subd. 85. Lot, Interior. A lot, other than a corner lot, including through lots.

Subd. 86. Lot, Line. A property boundary line of any lot held in a single or separate 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.

Subd. 87. Lot, Through. A lot fronting on two parallel streets.

Subd. 88. Lot, Width. The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.

Subd. 89. Medical and Dental Clinic. A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

Subd. 90. Mobile Home Park, Independent. An approved mobile home park which has underground utility service to each site and only permits independent mobile homes.

Subd. 91. Mobile Home Park, Dependent. An approved mobile home park which has underground utility service to each site and also rest rooms and washing facilities as specified by the State of Minnesota.

Subd. 92. Mobile Home, Independent. A mobile home which is constructed to utilize a public water and sewer system, an external course of electric service and an external source for heating shall be equipped with a stool, shower or tub, and laundry facilities.

Subd. 93. Motel/Motor Home. A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used, or intended to be used primarily for the accommodation of transient guests traveling by automobile.

Subd. 94. Motor Fuel Station. A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

Subd. 95. Motor Freight Terminal (Truck Terminal). A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Subd. 96. Municipal Water and Sewer Systems. Utility systems serving a group of buildings, lots or an area of the City, with the design and

construction of such utility systems as approved by the City Engineering Department and Public Utilities Commission.

Subd. 97. Natural Drainage System. All land surface areas which by nature of their contour configuration, collect, store, and channel surface water run-off.

Subd. 98. Natural Obstruction. Means any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.

Subd. 99. Non-Conforming Structure or Use. Any structure or use which on the effective date of this ordinance does not, even though lawfully established, conform to the applicable conditions if the structure of use was to be erected under the guidance of this ordinance.

Subd. 99A. Nonconformity. Any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded, or authorized. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 100. Nursing Homes (Rest Homes). A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged, convalescent, or physically handicapped persons that are not of the immediate family; but not including hospitals, clinics, sanatoriums, or similar institutions.

Subd. 101. Obstruction (Floodplain). Any storage of material, or equipment, any dam, wall, wharf, embankment, levee, road, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, wire, fence, stockpile, refuse, fill deposit, clearing of trees or vegetation, structure or matter, in, along, across, or projecting, in whole or in part, into any floodplain.

Subd. 102. 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. Such space shall be of such

size as to accommodate one (1) truck of the type typically used in the particular business.

Subd. 103. 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.

Subd. 104. 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 water courses, the ordinary high water mark level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. **(Ordinance No. 67, Adopted 11-5-91).**

Subd. 105. Out-Patient Care. Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

Subd. 106. Parking Ramp. An accessory structure designed and used for the storage of motor vehicles at, below, and/or above grade.

Subd. 107. 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.

Subd. 108. Permitted Use. A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards, if any, of such districts.

Subd. 109. Person. An individual, firm, partnership, association, corporation, or organization of any kind.

Subd. 109A. Pervious. Material or a surface that is permeable, conducive to the infiltration of fluids, water, gas or air. **(Ord. No. 363, Adopted: 05/15/2012)**

Subd. 109B. Planned Unit Development. A type of development characterized by a unified site designed for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 110. Plot. A tract other than one (1) unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a home site and improved or intended to be improved by the erection thereon of a dwelling and accessory buildings and having a frontage upon a thoroughfare or upon a highway or upon a traveled or used road and including as a minimum such open spaces as required under this ordinance.

Subd. 111. Premises. A lot or plot with the required front, side, and rear yards for a dwelling or other use as allowed under this ordinance.

Subd. 112. Principal Structure. A structure that contains a principal use as contrasted to an accessory or incidental use of the property.

Subd. 113. Principal Use. The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

Subd. 113A. Public Waters. Any waters as defined in Minnesota Statutes, Section 105.37, Subdivisions 14 and 15. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 114. Recreation, Field or Building. An area of land, water, or any building in which amusement, recreation, or athletic sports are

provided for public or semi-public use, whether temporary or permanent, except a theatre, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreational field or building for the purpose of this ordinance.

Subd. 115. Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonable characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.

Subd. 116. Regulatory Flood Protection Elevation. A point not less than one (1) foot above the elevation of the floodplain, plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this ordinance are required to be elevated or floodproofed. **(Ordinance No. 11, Adopted 8-12-86)**.

Subd. 116A. Residential Planned Unit Development. A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 117. Restaurant. An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

Subd. 118. Salvage Or Salvage Materials. Salvage or Salvage Materials: any inoperable motor vehicles, including but not limited to cars, trucks, buses, motorcycles, ATVs, snowmobiles, recreational vehicles, trailer homes and boats, inoperable construction equipment, inoperable agricultural equipment, inoperable machinery, inoperable major household appliances, and accumulations of scrap metal or used building materials, which are kept together in one location or on any property for the purpose of selling or bartering same, repairing same, or recycling parts from same. **(Ordinance No. 315, Adopted 9-11-07)**

Subd. 118A. Semi-public Use. The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 118B. 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. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 119. Setback. The minimum horizontal distance between the structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 119A. Sewage Treatment Center. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 5.8 of this Ordinance. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 119B. Sewer System. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 120. Shopping Center. An integrated group of commercial stores under single ownership or control.

Subd. 120A. 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.

Subd. 120B. Shoreland. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by Ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced

whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 120C. 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 Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determine 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. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 121. Slope. Means the degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Subd. 121A. Steep Slope. 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 this Ordinance. Where specific information is not available, steep slopes are lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 122. Story. That portion of a building included beneath the upper surface of a floor and upper surface of floor next above, except that the top most story shall be that portion of a building included between the upper surface of the top most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such base-ment, cellar, or unused underfloor space shall be considered as a story.

Subd. 123. Story, Half. That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite

exterior walls, are not more than two (2) feet above the floor of such story and basements where less than one-half (1/2) of the floor to ceiling height is below the average of the highest and lowest point of that portion of the lot covered by the building.

Subd. 124. Street. A public thoroughfare twenty-five (25) feet or more in right-of-way width.

Subd. 125. 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.

Subd. 126. Structure. Any building or appurtenance, including decks, except aerial, or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 127. Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Subd. 128. Surface Waters-General Development (GD). Those waters whose shores are presently characterized by industrial or commercial or high density residential development.

Subd. 128A. Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit development. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 129. Surface Waters-Recreational Development (RD). Those waters characterized by medium density residential development with or without limited service-oriented commercial development.

Subd. 130. Surface Waters-Natural Environment (NE). Those waters whose shores are presently characterized by low density, single family residential development.

Subd. 130A. 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 such use. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 130B. Toe of the Bluff. The lower point of a 50-foot segment with an average slope exceeding 18 percent. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 130C. Top of the Bluff. The higher point of a 50-foot segment with an average slope exceeding 18 percent. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 131. Townhouses. Structure housing three (3) or more dwelling units of not more than two (2) stories each and contiguous to each other only by sharing of one (1) common wall, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances.

Subd. 132. Upland. Means all lands at an elevation above the ordinary high water mark. **(Ordinance No. 11, Adopted 8-12-86).**

Subd. 133. 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 such activity as defined by the performance standards of this ordinance.

Subd. 134. Usable Open Space. A required ground area or terrace area on a lot which is graded, developed, and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, and parking areas shall not constitute usable open space.

Subd. 135. Used Auto Parts. The processing, storage, and sale of second hand or used automobiles or other vehicle parts provided such use is established entirely within enclosed buildings.

Subd. 136. Variance. The same as that term is defined or described in Minnesota Statutes, Chapter 462. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 137. Vegetation. Means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

Subd. 138. Waterbody. Means 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.

Subd. 139. Watercourse. Means a channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year-round or intermittently.

Subd. 139A. 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 such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks. **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 140. Watershed. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

Subd. 141. Wetland. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition). **(Ordinance No. 67, Adopted 11-5-91)**

Subd. 142. Wildlife. All free living animals.

Subd. 143. Yard. An Open space on the lot which is un-occupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Subd. 144. Yard, Front. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and nearest line of the building.

Subd. 145. 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.

Subd. 145A. Yard, Rear, Riparian Lot. A yard extending across the full width of the lot and lying 30 feet from the lot line abutting and parallel to the public right of way (road side) and the nearest line of the principal structure. All buildings in this area must have a 10 foot side yard setback. **(Ordinance No. 295, Adopted 08/08/06)**

Subd. 146. Yard, Rear Depth. The mean horizontal distance between the rear line of the building and centerline of an alley, where an alley exists; otherwise, a rear lot line.

Subd. 147. Yard, Side. A yard between the sideline of the lot and the nearest line of the building and extending from the front lot line of the lot to the rear yard.

Subd. 148. Twin Homes. Two family home with a zero lot line on one (1) side, sharing a party wall, governed by a party wall agreement.

(Pages 39-48 Reserved for Changes)