

SECTION 2: DEFINITION OF TERMS

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

Subdivision 1. ACCESSORY USE OR STRUCTURE

A use or structure on the same lot, with and of a nature, customarily incidental and subordinate to the principle use or structure.

Subdivision 2. AGRICULTURE

The cultivation of land for crops with the intention of making a cash profit. May also include animal husbandry, tree nurseries, and orchards.

Subdivision 3. AGRICULTURAL BUILDING

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

Subdivision 4. AIRCRAFT

Any machine for flying as defined by the Federal Aviation Administration.

Subdivision 5. AIRPORT

The Municipal airport located in all or part of Sections 12 and 13 of Lynn Township, McLeod County.

Subdivision 6. AIRPORT ELEVATION

The established elevation of the highest point on the usable landing area which elevation is established to be 1,062.3 feet above the mean sea level.

Subdivision 7. AIRPORT HAZARD

Any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

Subdivision 8. AUTOMOBILE SERVICE STATION

Any building or premises, or portion thereof, used or intended to be used for the retail dispensing or sale of automobile fuels, which activity may be accompanied by accessory uses such as sale of lubricants, tires, accessories or supplies, or minor repairing of automobiles.

Subdivision 9. BASEMENT

Any area of a structure, including crawl spaces, having its first floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Subdivision 10. BED AND BREAKFAST ESTABLISHMENT

A house or portion thereof, where short term lodging rooms and meals are provided. The owner/operator of the establishment shall reside at the facility.

Subdivision 11. BILLBOARD

See Advertising Sign in Subdivision 114 of this Section.

Subdivision 12. 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):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary highwater level averages 30 percent or greater; and
- (4) The slope must drain toward the waterbody.

Subdivision 13. BLUFF IMPACT ZONE

A bluff and land located within 20 feet from the top of a bluff.

Subdivision 14. BOATHOUSE

A structure designed and used principally for the storage of boats or boating equipment. Boathouses, whether considered as water oriented accessory structures, storage buildings, or otherwise, are prohibited. Expansion of or addition to existing boathouses is also prohibited.

Subdivision 15. BOARD OF ADJUSTMENT

A quasi-judicial body, appointed by the McLeod County Board, whose responsibility it is to hear appeals from decisions of the Hutchinson Area Joint Planning Board and to consider requests for variances permissible under the terms of this Ordinance.

Subdivision 16. BUFFER

The use of land, topography (differences in elevation), space, fences, or landscape plantings to screen or partially screen a tract of property from another tract of property and thus reduce undesirable influences such as sight, noise, dust and other external effects which a land use may have upon other adjacent or nearby land uses.

Subdivision 17. BUILDING

Any structure for the shelter, support of enclosure of persons, animals, chattel or property of any kind.

Subdivision 18. BUILDING HEIGHT

The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Subdivision 19. 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.

Subdivision 20. BUILDING SETBACK LINE

A line within a lot or other parcel of land parallel to a public road, street or highway right-of-way line defining that distance between the building and property line where buildings or structures may not be placed.

Subdivision 21. BUSINESS

Any occupation, employment, or enterprise wherein merchandise is exhibited or sold or rented, or which occupies time, attention, labor, or materials, or where services are offered for compensation.

Subdivision 22. CELLAR

A portion of a building located partly or wholly underground and having half or more than half its clear floor to ceiling height below grade.

Subdivision 23. CITY

City of Hutchinson, Minnesota

Subdivision 24. COMMERCIAL PLANNED UNIT DEVELOPMENTS

Commercial planned unit developments are 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.

Subdivision 25. COMMERCIAL USE

The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Subdivision 26. COMMISSIONER

Commissioner means the commissioner of the Department of Natural Resources.

Subdivision 27. COMPREHENSIVE PLAN

Unless otherwise stated, it is the general plan for land use, transportation, and community facilities prepared and maintained by the County and City.

Subdivision 28. CONDITIONAL USE

A use of land not normally allowed in a particular zoning district but which may be allowed under certain conditions.

Subdivision 29. CONVENIENCE STORE

A store selling on a retail basis food for consumption off the premises along with other items, sometimes including gasoline; differentiated from a grocery store by its size of not more than 5,000 square feet.

Subdivision 30. COUNTY

McLeod County, Minnesota

Subdivision 31. COUNTY BOARD

Includes the County Commissioners, the Board of County Commissioners or any other word or words meaning the McLeod County Board of Commissioners.

Subdivision 32. DAY CARE CENTER

A business in which ten or more children receive adult supervision and meals in the temporary daily absence of their parents. A similar business with fewer than ten children is considered a home occupation.

Subdivision 33. DECK

A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Subdivision 34. DUPLEX, TRIPLEX AND QUAD

A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Subdivision 35. DWELLING

Two or more rooms within a structure which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed shall be included for each dwelling. A manufactured (mobile) home with the above accommodations located in areas approved for manufactured (mobile) homes shall be considered a dwelling unit. A house trailer, camper trailer, camper bus or tent are not considered dwelling units.

- A. Dwelling, farm. A dwelling located on a farm which the residents of said dwelling either own, operate or are employed thereon.
- B. Dwelling, non-farm. A dwelling located on a parcel of land contiguous to or surrounded by farmland which is under separate ownership and which the resident of said dwelling neither operates nor is employed thereon.
- C. Dwelling, single family. A free standing (detached) residence designed for/or occupied by one (1) family only.

Subdivision 36. DWELLING SITE

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

Subdivision 37. 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.

Subdivision 38. ESSENTIAL SERVICES

Any surface, overhead or underground electric, gas transportation, hydro-carbon, steam, water, or refuse transmission, distribution or collection system operated by any utility company or governmental agency.

- A. Minor Essential Service Facilities. Any essential service line or structure located within any county easement or county right-of-way and providing single service distribution lines, i.e., single service electrical distribution lines (less than thirty-five (35) KV), other single service distribution line (telephone and gas), shall not require a conditional use permit, however, such service facilities shall be governed by the procedures described herein.
- B. Major Essential Service Facilities. Any essential service line or structure providing transmission services, i.e., utility service such as high voltage (greater than thirty-five (35) KV) electrical power or bulk gas or fuel being transferred from station to station and not intended for end route consumption shall require a conditional use permit as regulated in this Ordinance in addition to being governed by the procedures described herein.

Subdivision 39. ESSENTIAL SERVICE LINE

Any primary or subsidiary conductor designed or utilized for the provision or maintenance of essential services including any pole, wire, drain, main, sewer, pipe, conduit, cable, fire hydrant, fire alarm box, police call box, right-of-way, but not including any structure.

Subdivision 40. ESSENTIAL SERVICE STRUCTURE

Any pertinent structure required to be on line to accommodate the proper provision or maintenance of essential services, including any electric substation, water tower, sewage lift station, or other similar facility.

Subdivision 41. EXPANSION OF EXISTING FEEDLOT

Expansion of animal units, lagoon pits and/or structures.

Subdivision 42. EXTRACTION OF MINERALS

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, sections 93.44 to 93.51.

Subdivision 43. FAMILY

Any number of individuals related by blood, marriage, adoption or foster care, or not more than five (5) persons not so related, maintaining a common household and using common cooking and kitchen facilities; as distinguished from a group occupying a boarding house, lodging house, hotel or motel.

Subdivision 44. FAMILY DAY CARE HOME

A single-family home, duplex, or apartment unit providing day care for no more than ten children including the day care operator's children under five years of age.

Subdivision 45. FARM

A forty-acre or larger parcel of land used primarily for commercial agricultural production, except that it does not include non-farm agricultural activities. A farm may include related structures required for the agricultural operations and the secondary processing, selling, storage or transport of the farm produce.

Subdivision 46. FARM-RELATED BUSINESS

An accessory use to a customary farm operation involving the sale of goods and services, conducted from one or more accessory buildings exceeding 2,000 square feet in total floor area and located on the same property as the farm operation.

Subdivision 47. FEEDLOTS

Lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Other definitions relating to feedlots as regulated in this Ordinance are found in Minnesota Pollution Control Agency's Rules For the Control of Pollution From Animal Feedlots. These rules are adopted by reference in this Ordinance.

Subdivision 48. FLOOD

A temporary increase in the flow or stage of a stream or in the stage of a lake that results in the inundation of normally dry areas.

Subdivision 49. FLOOD FREQUENCY

The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Subdivision 50. FLOOD FRINGE DISTRICT

The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Insurance Rate Map. The Flood Fringe shall constitute those areas shown on the Flood Insurance Rate Map as being within Zone AE but being located outside of the floodway.

Subdivision 51. FLOOD PLAIN

The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Subdivision 52. FLOOD PROOFING

A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties.

Subdivision 53. FLOODWAY

The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

Subdivision 54. FLOODWAY DISTRICT

The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map.

Subdivision 55. FOREST LAND CONVERSION

The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Subdivision 56. FRONTAGE

All the property fronting on one side of a street, measured along such street, between an intersecting street and another intersecting street, a right-of-way, waterway, end of a dead-end street, or municipal boundary.

Subdivision 57. GENERAL FLOOD PLAIN DISTRICT

The General Flood Plain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map.

Subdivision 58. GROSS FLOOR AREA

The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, the exterior faces of exterior walls, or from the center line of party walls separating two buildings; the term does not include basements used for storage purposes or enclosed spaces used for off-street parking.

Subdivision 59. GUEST COTTAGE

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

Subdivision 60. HARDSHIP, UNDUE

As defined in MN Statute 462.357, Subdivision 6 (2)

Subdivision 61. HEIGHT

“Height” for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Subdivision 62. HOME OCCUPATION

An accessory use of the premises for gainful employment involving the manufacture, provision, or sale of goods and/or services.

Subdivision 63. INDUSTRIAL USE

The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Subdivision 64. INDUSTRIAL USE - LIGHT

The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

Subdivision 65. INTENSIVE VEGETATION CLEARING

The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Subdivision 66. JUNK YARD

An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, used building material and products resulting from the wrecking of automobiles or other vehicles, providing further, that the storage of five (5) or more inoperative or unlicensed motor vehicles shall also be considered a junk yard.

Subdivision 67. KENNEL

A place where four (4) or more dogs or cats, over four (4) months of age, are owned, boarded, bred or offered for sale.

Subdivision 68. LOT

A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Ordinance, and having the required frontage upon the street, either shown and identified by lot number on a plat of record or considered as a unit of property and described by metes and bounds.

Subdivision 69. LANDING AREA

The area of the airport used for the landing, taking off, or taxiing of aircraft.

Subdivision 70. LOT, CORNER

A lot located at the intersection of two streets, having two adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees.

Subdivision 71. LOT, DEPTH

The mean horizontal distance between the front lot line and the rear lot line.

Subdivision 72. LOT, WIDTH

The shortest distance between lot lines measured at the building front setback line.

Subdivision 73. LOT AREA

The area of a lot on a horizontal plane bounded by the lot lines.

Subdivision 74. LOT AREA, BUILDABLE

That portion of the lot remaining after the deletion of floodplains, road right-of-way, wetlands and excessive slopes.

Subdivision 75. LOT FRONTAGE

That portion of the lot boundary having the least width abutting on the street right-of-way.

Subdivision 76. LOT LINES

The lines bounding a lot as defined in this Ordinance.

Subdivision 77. LOT OF RECORD

Any lot which has been recorded in the office of the County Recorder prior to the adoption of this Ordinance 7/1/97.

Subdivision 78. MANUFACTURED (MOBILE) HOME

A structure, transportable in one or more sections, which in the traveling mode, is 8 feet or more in width or 40 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 therein. The term includes any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban development and complies with the standards established under State law.

Subdivision 79. MANUFACTURED (MOBILE) HOME PARK

A lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any manufactured homes.

Subdivision 80. MINING OPERATION - COMMERCIAL

The removal from the land and sale of four hundred (400) cubic yards or more of stone, sand, gravel, coal, salt, iron, copper, nickel, granite, peat, petroleum products or other material for commercial, industrial, or governmental purposes.

Subdivision 81. MINOR STREET

A street intended to serve primarily as an access to abutting properties.

Subdivision 82. NON-CONFORMING USE

Any building or land lawfully occupied by a use at the time of the approval of this Ordinance, or any amendment to it rendering such use non-conforming, which does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing use for the zoning districts in which such use is located.

Subdivision 83. NON-CONFORMING BUILDING OR STRUCTURE

Any building or structure lawfully existing at the time of the approval of this Ordinance, or any amendment to it rendering such building or structure non-conforming, which: (a) does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing bulk, height and yard requirements for the zoning district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

Subdivision 84. 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.

Subdivision 85. NONPRECISION INSTRUMENT RUNWAY

A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document. "Planned" as used in this Ordinance refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, the Department of Transportation, Division of Aeronautics, and the City of Hutchinson.

Subdivision 86. OBSTRUCTION, WATERWAY

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpiles, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage or endangerment of life or property.

Subdivision 87. OFF-ROAD LOADING SPACE

A space accessible from a public road, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. A minimum area of 780 square feet, excluding access drives, is required.

Subdivision 88. OPEN SALE LOTS

Land devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.

Subdivision 89. ORDINARY HIGH WATER LEVEL

The boundary of public waters and wetlands 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. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Subdivision 90. OWNER

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

Subdivision 91. PLANNED UNIT DEVELOPMENT

A type of development characterized by a unified site design 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.

Subdivision 92. PLANNING AREA (JOINT)

The joint planning area designated by agreement consisting of sections in Acoma Township, Hassan Valley Township, Hutchinson Township and Lynn Township all in McLeod County.

Subdivision 93. PLANNING BOARD (JOINT)

The planning and advisory body of the Joint Planning Area, created by agreement of the City of Hutchinson, Acoma Township, Hassan Valley Township, Hutchinson Township and Lynn Township and McLeod County.

Subdivision 94. PUBLIC ROAD

For the purpose of this Ordinance public roads shall include only those roads which are maintained by the township, county, state, or federal government, and dedicated for public use.

Subdivision 95. PUBLIC WATER

A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purposes of this Ordinance, any body of water which has the potential to support any type of recreational pursuit or water supply purpose. However, no lake, pond or flowage of less than twenty-five (25) acres in size and no river or stream having a total drainage area of less than two (2) square miles need be regulated by the County for the purposes of this Ordinance. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commission shall be exempt from the provisions of the statewide standards and criteria.

Subdivision 96. PRINCIPAL USE OR STRUCTURE

The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

Subdivision 97. PRINCIPAL BUILDING

A building in which is conducted the principal use of the lot on which it is situated.

Subdivision 98. 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 (2) consecutive bridge crossings would most typically constitute a reach.

Subdivision 99. 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 a average frequency in the magnitude of the one hundred (100) year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Subdivision 100. REGULATORY FLOOD PROTECTION LEVEL

The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway

Subdivision 101. RESTAURANT

An establishment where food is available to the general public for consumption on the premises.

Subdivision 102. ROAD

A public right-of-way affording primary access by pedestrians and vehicles to abutting properties whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however, otherwise designated.

Subdivision 103. RUNWAY

Any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

Subdivision 104. SALVAGE AND WRECKING YARD

An outdoor facility used by a business engaged in the reclamation of parts or materials from used motor vehicles or trailers, machinery or buildings.

Subdivision 105. SCREENED

When a structure is built to be placed on a lot or vegetation is planted such that when the structure is built it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months.

Subdivision 106. SEMIPUBLIC USE

The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Subdivision 107. 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.

Subdivision 108. SETBACK

The minimum horizontal distance between a 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.

Subdivision 109. SEWAGE TREATMENT SYSTEM

A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in the McLeod County Sewer Standards.

Subdivision 110. 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.

Subdivision 111. SHORE IMPACT ZONE

The land located between ordinary high water level to a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Subdivision 112. SHORELAND

Land located within the following distances from public waters. (1) One thousand (1,000) feet from the ordinary high water mark of a lake, pond, or flowage; and (2) three hundred (300) feet from a river or stream or the landward extension of a floodplain designated by this Ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which may extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources, and the County Commissioners.

Subdivision 113. SHORELAND SETBACK

The minimum horizontal distance between a structure and the normal high water mark.

Subdivision 114. SIGN

The use of any words, numerals, pictures, figures, devices, or trademarks by which anything is made known such as are used to show an individual, firm, profession or business are visible to the general public.

- A. Advertising (off-premise sign). A billboard, poster panel, painted bulletin board, or other communicative device which is used to advertise products, goods, or services which are not exclusively related to the premises on which the sign is located.
- B. Business Sign. Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used as the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premises where such sign is located.
- C. Construction Sign. A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- D. Directional Sign. A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
- E. Directory Sign. A wall sign which identifies the business, owner, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising.
- F. Free Standing Sign. Any stationary or portable, self supported sign not affixed to any other structure.
- G. Government Sign. A sign which is erected by a governmental unit.

- H. Illuminated Sign. Any sign which is lighted by artificial light source either directed upon it or illuminated from an interior source.
- I. Institutional Sign. A sign or bulletin board which identifies a name or other characteristics of a public or private institution on the site where the sign is located.
- J. Integral Sign. A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like carved into stone, concrete or similar material made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
- K. Nameplate Sign. A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.
- L. Real Estate Sign. A business sign placed upon a property advertising that particular property for sale, or for rent or lease.
- M. Sign Area. The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double face sign structure shall be used in computing the total surface area.

Subdivision 115. 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 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.

Subdivision 116. SLOPE

An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. 3:1 = 3 ft. horizontal to 1 ft. vertical

Subdivision 117. 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 average slopes over 12 percent, as

measured over horizontal distances of 50 feet or more, that are not bluffs.

Subdivision 118. STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground, or to something having permanent location on the ground, including advertising devices or other construction or erection with special function or form, except fences or walks, and for the purposes of this Ordinance, manufactured homes which are otherwise herein defined and restricted.

Subdivision 119. STRUCTURAL ALTERATIONS

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

Subdivision 120. SUBDIVISION

Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Subdivision 121. 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.

Subdivision 122. TOE OF THE BLUFF

The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Subdivision 123. TOP OF THE BLUFF

The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Subdivision 124. TRAVEL TRAILER

A trailer mounted on wheels that (1) is designed to provide temporary living quarters during recreation, camping or travel, (2) does not require a special highway movement permit based on its size or weight when towed by a motor vehicle and (3) complies with Minnesota Statutes, Chapter 169.

Subdivision 125. TRAVERSE WAYS

Traverse Ways for the purpose of determining height limits as set forth in this Ordinance shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not

previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

Subdivision 126. TRUCK TERMINAL

A warehouse and distribution business specializing in the shipment of goods or materials and which generates significant numbers of semi-trailer trucks.

Subdivision 127. USE

The purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

- A. Accessory Use. A use clearly incidental or subordinate to the principal use of a lot or a building located on the same lot as the principal use.
- B. Conditional Use. A land use or development as is defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon the finding that: (1) certain conditions as detailed in this Ordinance exist, and (2) use or development conform to the Comprehensive Plan of the County and (3) is compatible with the existing neighborhood.
- C. Conditional Use Permit. A permit issued by the County Board in accordance with procedures specified in this Ordinance which would enable the Board to assign dimensions to a proposed use or conditions surrounding it.
- D. Non-conforming Use. A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.
- E. Permitted Use. A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.

Subdivision 128. UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,5000 pounds maximum gross weight and less.

Subdivision 129. VARIANCE

A modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning.

“Undue hardship” as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the land owner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Minn. Stat. Section 462.357 Subd. 6(2)

Subdivision 130. VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

Subdivision 131. WAREHOUSING

The storage of materials, goods, or equipment within an enclosed building as a principal use.

Subdivision 132. 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 gazebos, screen houses, fish houses, pump houses, and detached decks. Boathouses are not permitted nor considered as water-oriented accessory structures.

Subdivision 133. WETLAND

Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this Ordinance, wetlands must (1) have a predominance of hydric soils; (2) be 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 saturated soil conditions; and (3) under normal circumstances, support a prevalence of hydrophytic vegetation.

“A wetland” or “the wetland” means a distinct hydrologic feature with characteristics of the preceding paragraph, surrounded by nonwetland and including all contiguous wetland types except those connected solely by riverine wetlands. “Wetland area” means a portion of “a wetland” or “the wetland”.

Wetlands do not include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minnesota Statutes, Section 103G.201.

Subdivision 134. WOODED

A tract of land that has tree canopy over at least 75 percent of it, with trees confirmed to be of desirable species, healthy and mature, with 75 percent of trees having a minimum diameter at breast height (DBA) of 12 inches.

Subdivision 135. YARD

The space in the same lot with a building open and unobstructed from the ground to the sky.

- A. Front Yard. The area extending across the front of the lot between the side yard lines and lying between the center line of the road or highway and the nearest line of the building.
- B. Rear Yard. The space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.
- C. Side Yard. An open unoccupied space on a lot between the main building and the side line of the lot, extending from the front to the rear of the main building.

Subdivision 136. ZONING ADMINISTRATOR (COUNTY)

The duly appointed person (County Zoning Administrator/designee) charged with the enforcement of this Ordinance.

Subdivision 137. ZONING DISTRICT

The Section of the County for which the regulations governing the height, area, use of buildings and premises are the same as delineated by this Ordinance.