

## **SECTION 4 - RULES AND DEFINITIONS**

### **A. RULES**

1. Word Usage:

For the purpose of this ordinance, words used in the present tense shall include the future; words in the singular shall include the plural; and the plural the singular; the word "lot" shall include the word "plot", and the word "shall" is mandatory and not discretionary.

2. Permitted Uses:

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. No building or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building, structure or land shall be located, except for the following exceptions:

- a. Uses lawfully established prior to the effective date of this ordinance.
- b. Essential services are permitted uses in all zoning districts and are not subject to height, yard, or setback requirements, except for height limitations in any Airport Zone and except as provided in SECTION 15, Subdivision G.
- c. Public utility buildings not customarily considered industrial in use, are permitted in all zoning districts. However, no such building or essential service structures such as electric substations, gas regulator stations or waterworks shall be located within fifty (50) feet of any lot line of an abutting lot in any residential district or in conflict with setback requirements.
- d. Conditional uses allowed in accordance with SECTION 4, A.3.

3. Conditional Uses:

Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of SECTION 16.

4. All distances, unless otherwise specified, shall be measured horizontally.

### **B. Definitions**

For the purpose of this ordinance, certain items and words are defined as follows:

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.
2. Agriculture - The art or science of cultivating the soil and activities incidental thereto; the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way. The term shall not include the processing or manufacturing of feed or foodstuffs not raised on the premises for sale or resale.
3. Animal Unit (AU)\* - A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. The following equivalents shall apply:
  - a. one mature dairy cow, 1.4 animal unit;
  - b. one slaughter steer or heifer, 1.0 animal unit;
  - c. one horse, 1.0 animal unit;
  - d. one swine over 55 pounds; 0.4 animal unit;
  - e. one duck, 0.02 animal unit;
  - f. one sheep, 0.1 animal unit;
  - g. one swine under 55 pounds, 0.05 animal unit;
  - h. one turkey, 0.018 animal unit;
  - i. one chicken, 0.01 animal unit.

\*As amended by Minnesota Pollution Control Agency.

For animals not listed in items a to i, the number of AU shall be defined as the average weight of the animal divided by 1,000 pounds.

4. Automobile Wrecking - See Junk Yards
5. Bluff - A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen (18) percent over a distance for fifty (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 twenty-five (25) feet above the OHWL of the water body;
  - c. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the OHWL averages thirty (30) percent or greater; and
  - d. The slope must drain toward the water body.
6. Bluff Impact Zone - A bluff and land located within twenty (20) feet from the top of a bluff.

7. Boathouse - A structure designed and used solely for the storage of boats or boating equipment.
8. Building - Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party walls without openings, such portion of such building so separated shall be deemed a separate building.
9. Building Height - The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
10. Building Line - A line parallel to a lot line or the OHWL at the required setback beyond which a structure may not extend.
11. Commercial Use - The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.
12. Commissioner - The Commissioner of the Department of Natural Resources (DNR).
13. Community Water and Sewer Systems - Utilities systems serving a group of buildings, lots, or an area of the county, with the design and construction of such utility systems as approved by the county and the State of Minnesota.
14. 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 (1) certain conditions as detailed in this ordinance exist, and (2) the use or development conforms to the Comprehensive Land Use Plan (CLUP) of the county and (3) is compatible with the existing neighborhood.
15. Corner Lot - A lot situated at the junction of and fronting on two or more roads or highways.
16. 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.
17. Depth of Lot -The mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
18. Depth of Rear Yard - The mean horizontal distance between the rear line of the building and the centerline of an alley, where an alley exists, otherwise a rear lot line.
19. District - A section of the county for which the regulations governing the height, area, use of buildings and premises are the same.
20. Dwelling - A building or portion thereof, designed exclusively for residential occupancy; the term does not include hotels, motels, tents, tent trailers or recreational vehicles.

21. Dwelling, One (1) Family Detached - A dwelling designed for or occupied exclusively by one (1) family in a single building.
22. Dwelling, Multiple - A dwelling designed for or occupied by two (2) or more families.
23. 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.
24. Dwelling Unit - Any structure or portion of a structure, or other shelter designed as short-term or long-term living quarters for one (1) or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.
25. Easement - A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
26. Essential Services - Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures, used by public utilities, rural electric cooperatives or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.
27. 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.
28. Family - Any number of individuals living together on the premises or a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.
29. Farming - The cultivation of the soil and all activities incidental thereto; agriculture.
30. Farmstead - That area which includes the farm dwelling and other buildings in close proximity to the farm dwelling.
31. Feedlot - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and 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 these parts, open lots used for the feeding and rearing of poultry shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
32. Floor Area - The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls.

33. Floodway - The channel and those portions of the flood plains adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of a specific size without unduly raising upstream water surface elevation.
34. Forest Land Conversion - The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
35. Garage, Private - A garage which is erected as an accessory building.
36. Garage, Public - Any premises, except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair or are kept for remuneration, hire or sale.
37. 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 the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.
38. See Building Height.
39. High Water Level (HWL) - The highest recorded water level.
40. Highway - Any public thoroughfare or vehicular right-of-way with a federal or state numerical route designation; any public thoroughfare or vehicular right-of-way with a Faribault County numerical route designation.
41. Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or exhibit any exterior evidence of such secondary use. Such occupation shall be conducted or carried on only by the persons residing on the premises.
42. Intensive Vegetation Clearing - The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
43. Junk Yard - A place or site where waste is discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products and residual parts and materials resulting from the wrecking of motor vehicles, farm machinery, and industrial equipment. A place or site where more than five (5) unlicensed and/or inoperable motor vehicles are stored at any one time will be presumed to be a junk yard.
44. Lake, Natural Environment - Waters which need a significant amount of protection because of their unique natural characteristics or their unsuitability for development and sustained recreational use.

45. Lake, Recreational Development - Waters which are capable of absorbing additional development and recreational use.
46. Lake, General Development - Waters which are at present highly developed or which, due to their location, may be needed for high density development in the future.
47. Landfill, Demolition - A place for the disposal of demolition wastes including waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition.
48. Livestock Waste Lagoon - A diked enclosure for disposal of livestock waste by natural processes.
49. 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.
50. Lot Area - The lot area is the land within the lot lines.
51. Lot Area per Family - The lot area per family is the lot area required by this ordinance to be provided for each family in a dwelling.
52. Lot, Double Frontage - An interior lot having frontage on two streets.
53. Lot, Interior - A lot other than a corner lot.
54. Lot Lines - The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.
55. Lot Width - The shortest distance between lot lines measured at the midpoint of the building line.
56. Lot Depth - The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
57. Lot, Substandard - A lot recorded with the County Recorder prior to the adoption of this ordinance which does not comply with the regulations or standards of the appropriate zoning district.
58. 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 forty(40) body feet or more in length, or, when erected on site, is three hundred twenty(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; except that the term includes any structure which meets all the requirements and with respect

to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established.

59. Manufactured Home Park - A contiguous parcel of land which has been planned for the placement of two (2) or more manufactured homes or manufactured home lots.
60. Motel - A building or group of buildings used primarily for the temporary residence of motorists or travelers.
61. Municipal Waste Lagoon - A diked enclosure for disposal of municipal wastes.
62. Non-Conformity - 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 is was established, recorded or authorized.
63. Ordinary High Water Level (OHWL)- 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 predominately aquatic to predominantly terrestrial. For watercourses, the OHWL is the elevation of the top of the bank of the channel. For reservoirs and flowages, the OHWL is the operating elevation of the normal summer pool.
64. Parking Space, Automobile - A space containing a minimum area of not less than three hundred(300) square feet, including access drives, a width of not less than nine(9) feet, and a depth of not less than twenty(20) feet.
65. Patio - An at-grade (no higher than six (6) inches) surface of wood, stone, brick, concrete, asphalt or other material.
66. Persons - Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
67. 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 an individual site and improved or intended to be improved by the erection thereon of buildings and having a frontage upon a public road or highway or upon a traveled or used road and including as a minimum such open spaces as required under this ordinance.
68. Premises - A lot or plot with the required front, side and rear yards for a dwelling or other use as allowed under this ordinance.
69. Public Waters - Any waters as defined in Minnesota Statutes, Section 103G.005.

70. 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.
71. Salvage Operation, Temporary - 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, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles. This operation may exist for a period of not more than one (1) year.
72. 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.
73. 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.
74. Setback - The minimum horizontal distance between a structure, sewage treatment system, or other facility and an OHWL, sewage treatment system, top of a bluff, road, highway property line or other facility.
75. Sewage Treatment System - A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in this ordinance.
76. 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.
77. Shore Impact Zone - Land located between the OHWL of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.
78. Shoreland - Land located within the following distances from public waters: one thousand (1,000) feet from the OHWL of a lake, pond or flowage; and three hundred (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.
79. 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 un-platted 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 un-platted cemeteries are automatically considered to be significant historic sites.



80. 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 twelve (12) percent, as measured over horizontal distances of fifty(50) feet or more, that are not bluffs.
81. Story - That portion of a building included between the surface of any floor above it, the space between the floor and the ceiling next above it.
82. 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.
83. 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.
84. Structural Alterations - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
85. Subdivision - A described tract of land which is to be or has been divided into two (2) or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area, (exclusive of road right of way) or greater than three hundred (300) feet in width for the purpose of transferring ownership or building development; or if a new street is involved, any division or development; or if a new street is involved, any division or development of a parcel of land. The term shall include re-subdivision of land provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements. In shoreland, all division of land for purpose of sale, rent or lease are considered subdivisions.
86. Toe of the Bluff - The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
87. Top of the Bluff - The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
88. 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.
89. Use, Accessory - A use clearly incidental or accessory to the principle use of a lot, or a building located on the same lot as the accessory use.

90. Variance - Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.
91. 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 decks. A water-oriented accessory structure or facility shall not be designed for human habitation nor shall they contain water supply or be connected to an individual sewage treatment facility.
92. Wetland - A surface water feature classified as a wetland in the United States Fish and Wildlife (USF&W) Service Circular No. 39 (1971 edition).
93. Yard - Any space in the same lot with a building open and unobstructed from the ground to the sky, except for fences five (5) feet or less in height and trees and shrubs.
94. Yard, Front - A yard extending across the front of the lot between the side yard lines and lying between the centerline of the road or highway and the nearest line of the building.
95. Yard, Rear - An open 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.
96. Yard, Side - An open, unoccupied space on the lot with a building between the building and the side line of the lot and extending from the front lot to the rear of the back yard.