

Chapter 14: Development Code

Section 1400: General Provisions

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1400.01 AUTHORIZATION, INTENT, AND PURPOSE

- A. This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. § 462.351 et seq. The intent of this chapter is to:
- a. Promote the general public health, safety, morals, comfort and general welfare of the inhabitants of the city in accordance with the adopted development goals, plans and policies as stated herein;
 - b. To promote the character and preserve and enhance the stability of the properties and areas within the City;
 - c. To preserve and develop the economic base of the City;
 - d. To ensure that the land uses of the City are properly situated in relation to one another, providing for adequate space for each type of development;
 - e. To control the density of development in each area of the City so that the property can be adequately serviced by such governmental facilities such as streets, schools, recreation and utilities systems;
 - f. To direct new growth in appropriate areas;
 - g. To divide the City into zones or districts as to the use, location, construction, reconstruction, alteration and use of land and structures for residence, business and industrial purposes;
 - h. To provide adequate light, air, privacy, and safety;
 - i. To prevent overcrowding of land, undue concentration of population;
 - j. To promote the proper use of land and structures

- k. To promote reasonable standards to which buildings, structures, and land shall conform;
- l. To prohibit the use of buildings, structures, and lands that are incompatible with the intended use or development of lands within the specified zones;
- m. To promote the safe, rapid, efficient movement of people and goods;
- n. To facilitate the provision of public services;
- o. To limit congestion in the public streets and protect the public health and welfare by providing for the off-street parking of vehicles and vehicle loading areas;
- p. To protect against fire, explosion, panic, noxious fumes, offensive noise, vibration, dust, odor, heat, glare, other pollution and hazards in the interest of the public health, comfort and general welfare;
- q. To define and limit the powers and duties of the administrative officers and bodies provided for herein; and
- r. To accomplish the City's goals set forth in the Comprehensive Plan.

1400.02. TITLE

This chapter, together with the zoning map required at § 151.05, shall be known as the "City Zoning Ordinance" except as referred to herein, where it shall be known as "this Ordinance."

1400.03. INTERPRETATION OF TERMS.

Unless specifically defined below, the words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage, unless such meaning is clearly contrary to the intent of this chapter and so as to give this chapter its most reasonable application. For the purpose of this chapter, the words in § 1400.05 have meanings given them.

1400.04. SCOPE, INTERPRETATION, ETC.

The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- A. Words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular.
- B. "Person" shall include an individual, association, syndicate, organization, partnership, trust company, corporation or any other legal entity.

- C. "Shall" is to be construed as being mandatory, not discretionary.
- D. "May" is to be construed as permissive.
- E. "Lot" shall include the words "plot," "piece," and "parcel"
- F. "Used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

Scope. Except as amended herein, from and after the effective date of this Chapter, the use of all land and every building or portion of a building erected, altered with respect to height, area, or use, added to or relocated, and every use within a building or use accessory thereto, in the City shall be in conformity with the provisions of this Chapter.

Interpretation. The provisions of this Chapter are the minimum requirements for the promotion of public health, safety, morals, convenience, and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, code provision, other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other code provision, ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, other code provision, ordinance or regulation shall be controlling.

Private Agreements. This chapter shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Chapter shall govern.

Relationship to Existing City Ordinances. To the extent that the provisions of this Chapter are the same in substance as the previously adopted provisions that they replace in the City's zoning, subdivision, or other land use control ordinances, they shall be considered continuations thereof, and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this Chapter merely by the repeal of the previous zoning ordinance and the adoption of a new ordinance.

Area Regulations. No lot area shall be so reduced or diminished that the lot area, yards or other open spaces shall be smaller than prescribed by this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided.

Building Permit Required. The City of Rice has adopted the Minnesota State Building Code and will apply the requirements of the latest version of this code. No building, structure or premise shall hereafter be used, moved, relocated or occupied and no building permit shall be granted that does not conform to these requirements.

Relationship to State, Federal, County and Local Laws, Rules and Requirements. Persons and entities affected by the City of Rice Zoning Ordinance shall comply with all applicable, Federal, State, County, and Local Laws and Requirements.

In an instance where a conflict exists between the City of Rice Zoning Ordinance and Federal, State, County, Local Laws and Requirements, unless specifically mandated to the contrary, the conflicting requirement that imposes the strictest control shall be considered primary and its use is mandated.

1400.05. DEFINITION OF TERMS.

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

Abandonment. “Abandonment” shall mean to cease or discontinue a use or activity on a property for a period of twelve (12) consecutive months or more unless otherwise specified.

Abut. “Abut” shall mean to border upon a parcel of land so as to share all or part of a common property line with another parcel of land.

Accessory Building or Accessory Structure. See Building, Accessory.

Accessory Use. “Accessory Use” shall mean a use on the same lot that is both incidental and subordinate to the principal use or structure or facility.

Adult Uses. “Adult Uses” shall include adult bookstores, adult motion picture theatres, adult mini-motion picture theatres, adult massage parlors, adult steam room/bathhouse facilities, adult enterprises, business or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” that are capable of being seen by members of the public. “Adult Uses” also include:

Adult Bookstore. A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” or the barter, rental or sale of instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities, “Substantial or significant portion of items,” for the purposes of this Ordinance, shall mean more than fifteen (15) percent of usable floor area.

Adult Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult Conversation/Rap Parlor. A conversation/rap parlor that excludes minors by reason of age, or that provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Health/Sports Club. A health/sports club, that excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Massage Parlor. A massage parlor that restricts minors by reason of age, or that provides the service of “massage”, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Mini-Motion Picture Theater. A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Motion Picture Theater. A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service is provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

For purposes of the definition of Adult Uses, the following definitions shall apply:

Minor. Person(s) under eighteen (18) years of age.

Specified Anatomical Areas.

1. Less than completely and opaquely covered:
 - a. Human genitals;
 - b. Pubic region;
 - c. Buttocks; and,
 - d. Female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities.

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

Agriculture. “Agriculture” shall mean the tilling of soil, raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, livestock and fowl keeping and breeding, and the production of natural products with resources primarily derived from the land upon which it is produced. These include preliminary processing of products such as eggs, milk, wool, etc.

Excluded are the processing of any products through industry or businesses such as an abattoir, fruit packaging plant, winery, dairy, and similar uses that are commercial or utilize products not produced in the surrounding area.

Alley. “Alley” shall mean any dedicated public right-of-way providing a secondary means of access to abutting property.

Apartment. “Apartment” shall mean a room or group of rooms in a residential structure that includes bath and kitchen facilities and is intended or designed for use as an independent residence for a family or individual.

Automobile Salvage Yard. “Automobile Salvage Yard” shall mean a commercial use carried on outside of an enclosed building involving the dismantling or storage of vehicles or equipment, and any other lot used for wrecking or storing of inoperable motor vehicles or their parts.

Basement. “Basement” shall mean a story of a building having more than half its height below the average level of the adjoining finished grade. A basement shall be counted as a story for the purpose of height regulations, if occupied for business or residential purposes.

Berm. “Berm” shall mean a landscaped mound of earth.

Billboard. “Billboard” shall mean any advertising sign where the advertised goods or services are not furnished at the location of the sign.

Bituminous Surface Treatment. “Bituminous Surface Treatment” or “BST” generally consists of aggregate spread over a sprayed-on asphalt emulsion, or cut-back asphalt cement. The aggregate is then embedded into the asphalt by rolling it, typically with a rubber-tired roller. “BSTs” of this type are described by a wide variety of regional terms, including “chip seal”, “tar and chip”, “Oil and stone”, “seal coat” “sprayed seal” or “surface dressing.”

Block. “Block” shall mean a tract of land bounded by streets, or a combination of streets and public or private open space, cemeteries, railroad rights-of-way, shorelines, waterways, or City corporate limits.

Buildable Area. “Buildable Area” shall mean the space remaining on a lot for building purposes after the setback and open space requirements of this Chapter have been met.

Building Unit. “Building unit” shall mean a structure having a roof supported by columns, or walls. When separated by dividing walls without openings, each portion of such structure shall be deemed a separate unit.

Building, Accessory. “Building, Accessory” shall mean a subordinate building or structure on the same lot as a principal building, or part of the principal building, exclusively occupied by or devoted to a use incidental to the main use of the property.

Building Height. “Building Height” unless otherwise specifically noted in this Chapter, shall mean the vertical distance measured from the average elevation of the finished grade adjacent to a building to 1) the highest point on a building with a flat roof, 2) the deck line of a mansard type roof, or 3) the average height between the eaves and the peak of the highest gable of a pitched, hip, or gambrel roof. For purposes of calculating building height, the finished grade shall be the highest point within five (5) feet of the front of a building, or, if the lowest grade

within five (5) feet of any side of the building is more than ten (10) feet lower than the front, then the finished grade from which the height is measured shall be considered ten (10) feet above said lowest grade.

Building Line. “Building Line” shall be a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Building, Principal. “Building, Principal” shall mean a building or structure occupied by or devoted to the principal or main use of the property.

Canopy or Marquee. “Canopy” or “Marquee” shall mean any roof like structure extending out from the side of a building.

City. “City” shall mean the City of Rice.

Cluster Development. “Cluster Development” shall mean a development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the Comprehensive Plan.

Cold Storage Facility. “Cold Storage Facility” shall mean a building or group of buildings managed as a commercial enterprise and used for the storage of food products in a refrigerated or frozen state and sold off premises.

Commercial Use. “Commercial Use” shall mean the use of land or buildings for the sale, lease, rental or trade of products, goods, services and other activities carried out for financial gain.

Commercial Activity. “Commercial Activity” shall mean either a regular course of commercial conduct or a particular commercial transaction or act in which products, goods, services, and other activities are exchanged or traded for barter or money.

Comprehensive Plan. “Comprehensive Plan” shall mean a compilation of policy statements, goals, standards and maps for guiding the physical, social, and economic development, both private and public, of the City and its environs. A comprehensive plan shall represent the recommendations of the Planning Commission and City Council for future development of the community.

Community Sewer and Water Systems. “Community Sewer and Water Systems” shall mean a system providing centralized wastewater collection and treatment and centralized water supply storage and distribution to a group of structures that are located such that service from a municipal sewer or water utility is cost prohibitive. Community sewer and water systems shall comply with the requirements of state regulatory agencies and Ten States Standards for Sewage and Water Works. Community Sewer and Water Systems shall utilize only proven technologies. The design and construction of community sewer and water systems shall be approved by the City Engineer. Community Sewer and Water Systems shall be prepared under the direct supervision of a Minnesota licensed professional engineer and approved by the City Engineer. Community Sewer and Water Systems shall be designed to facilitate connection to the City Sewer and Water Utilities in the future. Ownership of Community Sewer and Water Systems shall be either private or public. In the event of private ownership, the financial viability of the organization owning the said facilities shall be personally guaranteed by the property owners utilizing said facilities.

Conditional Use. “Conditional Use” shall mean 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 as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. The City may impose additional conditions in specific instances to protect the health, safety and welfare.

Condominium. “Condominium” shall mean a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provision of state and local laws.

Corner Lot. See: “Lot, Corner.”

Covered Storage Building. “Covered Storage Building” shall mean an enclosure that is a moveable tent-like shelter that is typically constructed with wooden or metal framework and covered with a tarpaulin of plastic or canvas like material. These structures are most typically used for sheltering vehicles, RVs or other materials stored outside residential neighborhoods.

Deck. “Deck” shall mean an open structure at least twelve (12) inches above the ground that is located in the front yard, rear yard, side yard, or court of a property. A deck may be attached or not attached to a structure. When a deck has a roof and/or wall enclosures that keep out the elements, it ceases to be a deck and must be reviewed as an addition.

Density. “Density” shall mean a measure of the intensity of residential use on the land, expressed in terms of lot area per dwelling unit or dwelling units per acre. For such calculations, the land area shall be exclusive of water area and floodplain, but may include protected wetlands and hydric soils.

Driveway. “Driveway” shall mean a private road or path that is wholly located on the lot that it services and that affords vehicle access to a public road.

Duplex. See dwelling, two family.

Dwelling. “Dwelling” shall mean 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 time-share accommodations, such as a motel, hotel, and resort rooms and cabins having one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having separate permanently installed cooking and sanitary facilities.

Dwelling, Attached (group, row, or townhouse). “Dwelling, Attached” (group, row, or townhouse) shall mean a dwelling joined to one (1) or more dwellings by a party wall or walls.

Dwelling, Detached. “Dwelling, Detached” shall mean a dwelling entirely surrounded by open space, and not attached or connected structurally to any other dwelling.

Dwelling, Multiple Family. “Dwelling, Multiple Family” shall mean a dwelling containing two (2) or more dwelling units, whether a townhouse, apartment, condominium, or other type of dwelling.

Dwelling, Single Family. “Dwelling, Single Family” shall mean a detached dwelling designed exclusively for occupancy by one (1) family only.

Dwelling Site. “Dwelling Site” shall mean a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle site.

Dwelling, Two Family. “Dwelling, Two Family” shall mean a dwelling designed with two dwelling units, exclusively for occupancy by two (2) families living independently of each other.

Dwelling Unit. “Dwelling Unit” shall mean, 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 time-share accommodations, such as a motel, hotel, resort rooms and cabins having one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having separate permanently installed cooking and sanitary facilities.

Excavation. “Excavation” shall means the removal, relocation, or recovery by any means of soil, rock, minerals, debris, or organic substances other than vegetation from a parcel of land.

Family. “Family” shall mean any number of individuals related by blood, legal adoption, marriage, or foster care, or six (6) or fewer unrelated individuals living together in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, licensed residential care facility, or hotel as herein described.

Fill. “Fill” shall mean sand, gravel, earth, or other materials deposited on, moved onto, or placed on a parcel of land.

Filling. “Filling” shall mean the placement of fill on a parcel of land.

Floodplain. “Floodplain” shall mean the area subject to inundation by a one hundred (100)-year flood as designated and mapped by the Federal Emergency Management Agency.

Floor Area. “Floor Area” shall mean the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls, or for a structure without walls (e.g., a carport), the total ground area covered by roof, not including area under a typical overhang dimension.

Floor Area, Livable. “Floor Area, Livable” shall mean the floor area of a dwelling excluding all areas occupied by unfinished rooms or basements, garages, porches other than usable during all seasons.

Floor Area Ratios (F.A.R.). “Floor Area Ratios (F.A.R.)” shall mean the floor area of the building or buildings on a lot divided by the area of such lot, or, in the case of planned unit developments, by the net size area. The floor area ratio requirements shall determine the maximum floor area allowable for the building or buildings, including both principal and accessory buildings, in direct ratio to the gross area of the lot.

Foot-candle. “Foot-candle” shall mean a standard unit of illumination intensity.

Foundation. “Foundation” shall mean a continuous perimeter wall structure with frost footings that supports a building or facility and as defined by the current version of the building code adopted by the City of Rice.

Frequency. “Frequency” shall mean the oscillations per second in a sound wave.

Frontage. “Frontage” shall mean that part of a lot fronting on one side of a street between the side lot lines or between a street right-of-way and side lot line.

Garage, Private. “Garage, Private” shall mean an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the dwelling unit.

Garage, Public. “Garage, Public” shall mean any building, except private garage, used for the storage or care of motor driven vehicles, or a building where any such vehicles are equipped for operation, are repaired, or are kept for remuneration, hire, or sale.

Garage, Truck. “Garage, Truck” shall mean a building used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding one and one-half (1-1/2) tons capacity.

Garden, Community. “Garden, Community” shall mean a garden that is maintained by a group of individuals growing fruits, vegetables, or other plants for the purpose of consuming or enjoyment of the produce by the gardeners and their families, by friends or neighbors, or by donation to a charitable organization. A community garden may be an accessory use of a site.

Garden, Home. “Garden, Home” shall mean a garden that gardeners and their family or housemates maintain on the site where they live, growing fruits and vegetables or other plants for the purpose of consuming or the enjoyment of the produce by persons residing onsite or by friends or neighbors or by donation to a charitable organization.

Grade. “Grade shall mean 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.

Grade, Street. “Grade, Street” shall mean the established elevation of the street in front of the building measured at the center of such front. Where no street grade has been established, the City engineer shall establish such street grade or its equivalent for the purpose of this Chapter.

Group Home. “Group Home” shall mean a home that is licensed by the commissioner of health as a rooming and/or boarding house and provides lodging for people who are mentally ill, physically disadvantaged or chemically dependent.

Halfway House. “Halfway House” shall mean a home, operated and supervised by a governmental or non-profit agency, for not more than seven persons who have demonstrated a tendency toward chemical abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, nine of whom live together as a single housekeeping unit. The term shall not include licensed facilities as defined by Minn. Stat. § 245A.11.

Handicapped or Infirm Institution. “Handicapped or Infirm Institution” shall mean an institutional facility housing more than six persons who are physically or mentally handicapped or infirm, and providing primarily residential care rather than medical treatment.

Heavy Industry. “Heavy Industry” shall mean production industries in auto, rubber, petroleum, and raw material areas, requiring high capitalization and producing large quantities of output. Heavy industry may employ many people, and is often beset by environmental impacts.

Home Occupation. “Home Occupation” shall mean a lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same building. Such occupation must be clearly secondary to the principal use and not change the nature of the principal use and may include any gainful occupation that is conducted entirely within the dwelling, and that meets the requirements of this Ordinance.

Horticulture. “Horticultural” shall mean the use of land for the growing or production for income, of fruits, vegetables, flowers, nursery stock, trees, including forestry, ornamental plants and trees, and cultured sod.

Highway Related Business. “Highway Related Business” shall mean any commercial or industrial use that is located on an arterial roadway and provides services or products that are transportation related.

Impervious Surface. “Impervious Surface” shall mean a material providing a hard surface that substantially prevents the absorption of water into the ground. Common impervious surfaces include, but are not limited to, concrete; asphalt; roofs, walkways; crushed rock; patios; brick; above or below ground pools, natural stone or other non-pervious pavers (even when set with only sand); decking that is not open grid, open grid decking over impervious areas; driveways, parking lots or storage areas; areas that are graveled or made of packed or oiled earthen materials; or other surfaces that similarly impede the natural infiltration of surface and storm water.

Intermediate Care Residential Facility. “Intermediate Care Residential Facility” shall mean a facility providing accommodations for not more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate Care Institution. “Intermediate Care Institution” shall mean an institutional facility providing accommodation for more than seven persons needing medical care and supervision at a lower level than provided for in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermodal Container. “Intermodal Container”, “freight container” or “shipping container” shall mean a reusable transport and storage unit for moving products and raw materials between locations or countries. A typical container has doors fitted at one end, and is constructed of weathering steel.

Industrial Use. “Industrial Use” shall mean the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Junk Yard. “Junk Yard” shall mean land and structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or wrecking of automobiles or other machinery, other than the storage of materials that is incidental or accessory to any business or industrial use on the same lot.

Kennel (commercial or hobby). “Kennel (commercial or hobby)” shall mean any structure or premises on which four (4) or more domestic animals over six (6) months of age are kept.

Light Industrial. “Light Industrial” shall mean the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare or health or safety hazards outside the building or lot where the assembly, fabrication, or processing takes place, where the processes are housed entirely within a building or where the outdoor storage of goods and materials used does not exceed 25% of the floor area of all buildings on the lot.

Loading Space or Loading Area. “Loading Space or Loading Area” shall mean that portion of a lot or plot designated to serve the purpose of loading or unloading all types of vehicles.

Lot. “Lot” shall mean 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 that description for the purpose of sale, lease, or separation. A lot must be situated and have its principal frontage on a public street. A lot may be a single lot of record, or a combination of complete lots of record. Notwithstanding the above requirements, a lot shown on a plat properly recorded in the office of the County Recorder prior to the effective date of this Ordinance shall be a Lot.

Lot Area. “Lot Area” shall mean the total surface area of a lot within the lot lines, excluding public right-of-way or street easements.

Lot, Corner. A lot situated at the junction of and abutting on two (2) or more platted and intersecting streets.

Lot Coverage. “Lot Coverage” shall mean the area occupied by impervious material, including but not limited to buildings, paved surfaces and driveways.

Lot Depth. “Lot Depth” shall mean the mean horizontal distance between the center points of the front and rear lot lines for standard lots. For lots of non-standard shape, the Zoning Administrator shall determine the lot depth.

Lot, Double Frontage. “Lot, Double Frontage” shall mean a lot where opposite lot lines abut two public or private roadway rights-of-way that do not intersect at a corner of the lot, and in both instances, the lot meets the minimum frontage requirement in the zoning district the lot is located. A Double Frontage Lot shall have front yards on each portion of the lot abutting a public right-of-way. Where a Double Frontage Lot straddles two zoning districts, the most restrictive frontage requirement shall be applied.

Lot, Interior. “Lot, Interior” shall mean a lot other than a corner lot.

Lot Line. “Lot Line” shall mean a line of record bounding a lot that divides a lot from another lot, a public street or any other public or private space.

Lot Line, Front. “Lot Line, Front” shall mean the line between one side line of the lot and the other side line of the lot along the street right-of-way line. On a corner lot, the front lot line shall lie on the street providing the primary street access to the structure

Lot Line, Rear. “Lot Line, Rear” shall mean the lot line most nearly parallel and most distant from the front lot line. In the case of corner lots, the rear lot line shall be determined by the Zoning Administrator based upon the characteristics of the surrounding neighborhood.

Lot Line, Side. “Lot Line, Side” shall mean any lot line other than a front or rear lot line.

Lot of Record. “Lot of Record” shall mean any lot for which a deed, registered land survey, or other legal record was lawfully recorded in the office of the register of deeds or the register of titles for Benton County, Minnesota.

Lot Width. “Lot Width” shall mean the horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building setback line.

Manufactured Single-Family Dwelling. “Manufactured Single-Family Dwelling” shall mean a structure, transportable in one or more sections that, in the traveling mode, is eight feet or more in width, or 40 body feet or more in length, or when erected on-site is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling when connected to required utilities, and includes the plumbing, heating, and air conditioning and electrical systems contained therein, and meets all the requirements established under M.S. § 327.31, as it may be amended from time to time. A Manufactured single family dwelling shall be construed to remain a manufactured single-family dwelling, subject to all regulations applying thereto, whether or not on wheels, axels, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A manufactured single-family dwelling shall not be construed to be a travel trailer or other form of recreational vehicle.

Mobile Home. “Mobile Home” shall mean a dwelling unit designed for transportation after fabrication on streets or highways on its own wheels on a flatbed or other trailer and arriving at the site ready for occupancy except for incidental assembly, location on foundation, and connection to the utilities and the like.

Manufactured Home Park. “Manufactured Home Park” shall mean a parcel of land under single ownership, or condominiumized, that has been planned and improved for the placement of two or more mobile homes for non-transient use.

Modular or Industrialized Building. “Modular” or “Industrialized Building” shall mean a building of closed construction, constructed so that concealed parts or processes of manufacture cannot be inspected at site, without disassembly, damage, or destruction, and made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. “Modular or Industrialized Buildings” include, but are not limited to, modular housing that is factory-built single family and multi-family housing, including closed wall panelized housing, and other modular, nonresidential buildings. Modular or Prefabricated Home does not include a structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

Motel. “Motel” shall mean a combination or group of two or more detached, semi-detached or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations for a fee.

Motor Vehicle. “Motor Vehicle” shall mean any self-propelled vehicle not operated exclusively on railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle, including, but not limited to cars, trucks, buses, motorcycles, campers, recreational vehicles and trailers.

Motor Vehicle Body Work. “Motor Vehicle Body Work” shall mean repair or straightening of an automobile body, frame, or fender, including painting.

Motor Vehicle Repair. “Motor Vehicle Repair” shall mean repairs, replacement of parts, and motor service to automobiles, not including body work or painting.

Motor Vehicle Sales. “Motor Vehicle Sales” shall mean the sale or trade of new or used motor vehicles, whether cars, trucks, buses, campers, motorcycles, or other motorized vehicles, including the display of new or used vehicles, or the possession of new or used vehicles for sale or trade.

Motor Vehicle, Small. “Motor Vehicle, Small” shall mean any motor vehicles less than twenty (20) feet in length and less than seven (7) feet in height, and commonly used or intended as a passenger car.

Multi-Family Dwelling. “Multi-Family Dwelling” shall mean more than one dwelling unit constructed with common walls, meeting all applicable building codes and standards in this Ordinance.

Municipal Water and Sewer Systems. “Municipal Water and Sewer Systems” shall mean municipally owned and operated 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 Engineer.

Municipal / Public Facilities. “Municipal” or “Public Facilities” shall mean any buildings and property owned or operated by municipal, school districts, county, state, or other governmental units.

Nameplate. “Nameplate” shall mean a sign indicating the name and/or the address of a building, or the name of an occupant thereof and/or the practice of a permitted occupation therein.

Nonconforming Structure or Use. “Nonconforming Structure or Use” shall mean a structure or use lawfully in existence on the effective date of this Ordinance or any amendment thereto, and not conforming to the regulations for the district in which it is situated.

Nonconforming Lot. “Nonconforming Lot” shall mean any lot lawfully existing prior to the date that new zoning provisions were adopted making said lot inconsistent with the provisions of the newly adopted zoning chapter.

Nonconforming Sign. “Nonconforming Sign” shall mean any legal sign existing prior to the date that new zoning provisions were adopted making said sign inconsistent with the provisions of the newly adopted zoning ordinance.

Nonconforming Structure. “Nonconforming Structure” shall mean any legal structure or building existing on the date that the new zoning provisions were adopted making said structure inconsistent with the provisions of the newly adopted zoning ordinance.

Nursing Care Home. “Nursing Care Home” shall mean a facility providing skilled nursing care and medical supervision at a lower level than that available in a hospital to no more than seven persons.

Nursing Care Institutions. “Nursing Care Institution” shall mean an institutional facility providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than seven persons.

Ordinary High Water Level or Ordinary High Water Mark. “Ordinary High Water Level or Ordinary High Water Mark” shall mean the boundary of “public waters” and “wetlands” as defined by Minnesota Statutes, Chapter 103G, an elevation delineating the highest water level that 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 on the top of the bank of the channel.

Outdoor Furnaces. “Outdoor Furnaces” shall mean any equipment, device, or apparatus, or any part thereof, that is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat for energy used as a component of a heating system for any interior space ordinarily occupied by humans.

Over story Tree. “Over story Tree” shall mean a tree whose foliage, when mature, is located within the forest canopy.

Parking Lot. “Parking Lot” shall mean an area defined for the parking or storage of vehicles and trailers and shall be on a plot plan.

Parking Space. “Parking space” shall mean an area, enclosed in the main building, in an accessory building or unenclosed, suitably surfaced and permanently maintained area, sufficient in size, to store one automobile, said parking space shall have adequate access to a public street or alley and shall permit ingress and egress of an automobile.

Person. “Person” shall include an individual, a firm, a partnership, a corporation, a company, an unincorporated association of persons such as a club, and an owner.

Plot. “Plot” shall mean a tract of land, other than one unit of a recorded plat or subdivision occupied and used or intended to be occupied and used as a building site and improved or intended to be improved by the erection thereon of a building and accessory building and having a frontage upon a public street or highway and including such open spaces as required under this Chapter.

Principal Structure. A “Principal Structure” shall mean a non-accessory building in which is conducted and complies with the principal use of the lot on which it is located. . “Principal Structure” does not include accessory or storage buildings, improved driveways, sidewalks, or slabs.

Protected Waters. “Protected Waters” shall mean any waters of the state designated or otherwise defined as protected by the State or as a result of regulations adopted by the State. However, no lake, pond, or flowage of less than ten (10) acres in size and no river, stream having a total drainage area less than two (2) square miles shall be regulated for the purpose of these regulations.

Public Access. “Public Access” shall mean an area owned and/or operated by a governmental entity for the launching and retrieval of water craft from the public waters, or other recreational activities adjacent to public waters.

Public Open Space. “Public Open Space” shall mean any publically owned open area, including but not limited to the following: parks, playgrounds, school sites, and parkways.

Public Utility. “Public Utility” shall mean any person, firm, corporation, municipal department, or board fully authorized by the City to furnish and furnishing to the public, electricity, gas, steam, communication services, telegraph services, transportation, water or other essential public service.

Public Waters. “Public Waters” shall mean any waters as defined in Minnesota Statutes, Chapter 103G.

Recreational Vehicle. “Recreational Vehicle” shall mean a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towed by a light duty truck and is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Rest Home, Convalescent Home, or Nursing Home. “Rest Home” , Convalescent Home” , or “Nursing Home” , shall mean a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for treatment of disease or injury.

Restaurant. “Restaurant” shall mean an establishment in which food and/or drink is offered or prepared and served for public consumption and is served to customers at tables by employees. Restaurants may include incidental take-out service.

Riparian. “Riparian” shall mean land continuous to the bank of a stream, the shore of a lake, or the edge of a wetland.

Screen. “Screen” shall mean a barrier accomplished by a variety of means, intended to prevent visibility through the barrier. If accomplished by landscape materials, the screen shall be at least eighty (80) percent opaque.

Self-Storage Facility. “Self-Storage Facility” shall mean a building or group of buildings containing separate storage spaces of varying sizes that are leased or rented as individual units. Storage Units may or may not be climate controlled.

Semi-Public Uses. “Semi-Public Uses” shall mean uses owned by private or private non-profit organizations that are open to some but not all of the public such as: denominational cemeteries, private schools, clubs, lodges, recreation facilities and churches.

Setback. “Setback” shall mean the minimum distance from any lot line or easement limit that an improvement may be placed, measured perpendicularly from the lot line or easement limit to the closest point of the improvement.

Setback Line. “Setback” or “Setback Line” shall mean the horizontal distance between the property line or street right-of-way, or street easement, or other specified line, such as the ordinary high water level, edge of wetland, floodplain, or top of bluff and the line of the structure or the allowable building line as defined by the yard regulations of this Ordinance.

Shore land. “Shore land” shall mean any land adjacent to public waters as defined by the Shore land Management Plan, if applicable.

Shore Impact Zone. “Shore Impact Zone” shall mean land located between the ordinary high water level of public water and a line parallel to it at a setback of fifty (50) percent of the required structure setback.

Sign. “Sign” shall mean any letter, word or symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication whether painted, posted, printed, affixed or constructed, that is displayed outdoors or on a window or on the interior of a building within three (3) feet of a window and clearly visible from the outside of said building for informational or communicative purposes.

Slope. “Slope” shall mean the amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

Story. “Story” shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no such floor space above, the space between the floor and the ceiling next above it. A level containing independent apartment or living quarters shall be counted as a fully story, whether or not that level is completely usable or finished.

Storage. “Storage” shall mean placing or leaving goods, materials, or equipment in a location on a premises.

Street, Public. “Street, Public” shall mean a thoroughfare that affords a principal means of access to abutting property and that has been accepted by the City as a public street.

Structural Alterations. “Structural Alterations” shall mean any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

Structure. “Structure” shall mean anything constructed, placed, or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by a wall without openings, each part shall be deemed a separate structure.

Structure, Accessory. See building, accessory

Structure, Principal. See building, principal.

Subdivision. “Subdivision” shall mean the division of a parcel of land into two (2) or more lots or parcels, for the purpose of transfer of ownership or building development.

Tent Garages. See Covered Storage Building.

Townhouse. “Townhouse” shall mean a single structure consisting of three (3) or more dwelling units each having a private entrance on the first story at or near the ground level with no other dwelling unit connected to the other dwelling unit except by a party wall with no openings.

Transit Station. “Transit Station” shall mean a parcel or portion thereof that is used for loading and unloading of public transit riders including the platform, station facilities, public open space and park-and-ride lots. Transit station is inclusive of all public transit modes.

Use. “Use” shall mean the purpose or activity for which a premise is designed, arranged, or intended for which it is or may be occupied or maintained.

Use, Accessory. “Use, Accessory” shall mean a use subordinate to the principal use on a lot and exclusively used for purposes incidental to those of the principal use.

Use, Interim. “Use, Interim” shall mean a temporary use of the property until a particular date or until the occurrence of a particular event, as determined by the City Council.

Use, Permitted. “Use, Permitted” shall mean a use that may be lawfully established in a particular district, provided that it conforms with all requirements, regulations, and performance standards of such district.

Utility Facility. “Utility Facility” shall mean any above-ground structure of facility, other than a principal building, owned by a government entity, non-profit organization, a corporation, or any other entity defined as a public utility for any purpose by State Statute and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, or electronic signals. Streets are exempt from this definition, as are wires or pipes and supporting poles or structures within a public right-of-way for electric power, telephone, telegraph, cable television, gas, water and sewer service.

Utility Facility, Community or Regional. “Utility Facility, Community or Regional” shall mean any utility facility, other than a neighborhood facility as defined below.

Utility Facility, Neighborhood. “Utility Facility, Neighborhood” shall mean a utility facility designed to serve the immediate neighborhood and that must, for reasons related to the purpose of the utility, be located in or near the neighborhood where the facilities are proposed to be located.

Variance. “Variance” shall mean a modification or variation of the provisions of this Chapter, as applied to a specific piece of property. A variance may be granted to the numerical standards of the Code, but not for the permissible use of a property.

Vehicle, Small. “Vehicle, Small” shall mean any motor vehicle weighing $\frac{3}{4}$ ton or less.

Wind Energy Conversion System or Windmill. “Wind Energy Conversion System or Windmill” shall mean an apparatus capable of converting wind energy into electricity.

Wholesale Sales. “Wholesale Sales” shall mean on-premise sale of goods primarily to customers engaged in the business of reselling the goods.

Yard. “Yard” shall mean an open space unobstructed from the ground upward with the exception of landscape materials and minor fixtures of a non-structural nature commonly found in a yard.

Yard, Front. “Yard, Front” shall mean the area the width of which is measured from one side line of the lot line of the lot to another sideline of the lot, located between the property line and the front of the principal structure. On a corner lot, the front yard shall lie on the street providing the primary street access to the structure. The front yard (short side) required minimum front yard setback (30’) or the setback established by existing structures.

Yard, Rear. “Yard, Rear” shall mean a yard extending across the full width of the lot and laying between the rear yard setback line and nearest line of the principal structure.

Yard, Side. “Yard, Side” shall mean a yard on the same lot with a building between the side yard setback line and the side line of the lot and extending from the front lot line to the rear yard. In residential districts where the rear boundary lines of a corner lot is part of the side yard boundary line of another residential lot, no part of any structure or building on the corner lot shall be nearer to its side lot line (long side) than 15’

Zoning Administrator. The City Clerk or other person designated and authorized by the City Council to administer and enforce the provisions of this Ordinance.

Zoning Districts. “Zoning Districts” shall mean the areas of the City designated for specific uses with specific requirements for use or development.