

SECTION 5 - DEFINITIONS AND RULES OF LANGUAGE CONSTRUCTION

Subdivision 1: Rules of Language Construction

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. Words used in the present tense shall include the future; words in the singular shall include the plural; and the words "shall" and "must" are mandatory and not discretionary. Unless otherwise specified, all distances shall be measured horizontally and in feet.

Subdivision 2: Definitions

Accessory Structure: A structure which is customarily incidental and subordinate to, the principal use of a property, and which is located on the same lot as the principal structure.

Accessory Use: A use that is ancillary to the principal use of a property.

Activities Requiring Rural Isolation: Recreational, educational, institutional, or religious facilities or activities that require a location in a rural area because of a need for seclusion or a natural setting or a large area of land.

Adults-Only Bookstore: An establishment having at least 10 percent of its stock in trade, as measured by retail value, books, magazines, video tapes, computer software, films for sale or viewing on the premises by use of motion picture devices, computers, televisions, video cassette recorders or other coin-operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

Adults-Only Motion Picture Theater: An enclosed building used regularly and routinely for presenting programs, or material distinguished or characterized by an emphasis on matter depicting or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, for observation by patrons therein.

Adult Entertainment Center: An enclosed building or a part of an enclosed building wherein may be observed nudity, sexual conduct, sexual excitement or sadomasochistic abuse and/or one or more live persons unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva or genitals.

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

Agricultural Building: A structure used for agricultural purposes as defined in the Minnesota State Building Code

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

Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

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 for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting value for the total number of animal units. The following multiplication factors shall apply:

A. Dairy cattle:

1. One mature cow (whether milked or dry):
 - a. Over 1,000 pounds, 1.4 animal unit; or
 - b. Under 1,000 pounds, 1.0 animal unit;
2. One heifer, 0.7 animal unit; and
3. One calf, 0.2 animal unit;

B. Beef cattle:

1. One slaughter steer or stock cow, 1.0 animal unit;
2. One feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
3. One cow and calf pair, 1.2 animal unit; and
4. One calf, 0.2 animal unit;

C. One head of swine:

1. Over 300 pounds, 0.4 animal unit;
2. Between 55 pounds and 300 pounds, 0.3 animal unit; and
3. Under 55 pounds, 0.05 animal unit;

D. One horse, 1.0 animal unit;

E. One sheep or lamb, 0.1 animal unit;

F. Chickens:

1. One laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or
2. One chicken if the facility has a dry manure system:
 - a. Over five pounds, 0.005 animal unit; or

- b. Under five pounds, 0.003 animal unit;
- G. One turkey:
 - 1. Over five pounds, 0.018 animal unit; or
 - 2. Under five pounds, 0.005 animal unit;
- H. One duck, 0.01 animal unit; and
- I. For animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Apartment: A room or suite of rooms in a multi-use building arranged and intended as a place of residence for a single-family or a group of individuals living together as a single housekeeping unit.

Apartment Building: Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats or apartments.

Asphalt & Concrete Mixing Plants, Portable: A temporary facility crushing, washing, refining, or processing of sand, gravel, and rock on the site of a permitted CUP/IUP for Grading, Excavating or Filling, or in conjunction with a municipal road project.

Auction Business: A building, area or areas within a building used for the regularly scheduled public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes farm auctions, estate sales, garage sales, or similar on-site events conducted no more than six (6) days (i.e. two weekends) per calendar year.

Automobile Repair Shop: Any building or premises or portion thereof, used or intended to be used for motor vehicle repair, that may have minor retail sales.

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.

Automobile or Trailer Sales Lot: An open area other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile Wrecking, Salvage Yard: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bed-and-Breakfast Establishment: A structure designed and used as a residence in which one or more bedrooms are rented to transient guests on a day-to-day basis and in which meals are served to these overnight guests.

Billboard: See Advertising Sign.

Bluff impact zone: A bluff and land located within 20 feet from the top of a bluff.

Bluff: (In Shoreland District): 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 high water level averages 30 percent or greater; and (4) the slope must drain toward the waterbody.

Bluff: (In Mississippi and Wild and Scenic River District) : Considered a slope on any slope greater than 13% (13 feet vertical rise in 100' horizontal distance).

Boarding House: A dwelling where meals or lodging, or both, are provided for compensation to three or more persons, who are not transients, by prearrangement for definite periods, in contradistinction to hotels and motels as herein defined.

Boathouse: A structure designed and used solely for the storage of boats or boating equipment.

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 or 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.

Building Line: An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the earth.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

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.

Business Sign: A sign which only pertains to the use of the premise on which it is located.

Campground, Recreational: Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of tents, live in fish houses, recreational camping vehicles, or park trailers free of charge or for compensation. Ancillary uses of a campground may include storm shelters, bathrooms, clubhouse, swimming pool, maintenance facilities, and other uses as determined by the Zoning Administrator. Recreational Campgrounds exclude:

- (1) United States Forest Service camps
- (2) State forest service camps

- (3) State wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landings

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.

Clinic: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians or dentists, or both, practicing together.

Cluster Plat: A grouping of residential structures on smaller lots than are typically allowed in the specific zoning district.

Commercial planned unit developments: 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.

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

Commissioner. The Commissioner of the Department of Natural Resources.

Common Open Space: Land used for agriculture cropland, pasture, natural habitat, pedestrian corridors and / or recreational purposes that is either protected by a conservation easement, or limited to future development.

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

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

Contractors' Yard: A defined site or parcel of land used for the storage of vehicles, equipment, and materials by a person whose business is contracting work in any of the building trades such as: landscaping, road building, sewer installation, transport/hauling or a similar trade. Three categories of Contractor's Yard are provided under Interim Use Permits in this Ordinance.

Convenience Food Restaurant: A business whose principal function is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises, and whose design or principal method of operation includes both of the following characteristics: (1) foods, frozen desserts, or beverages are usually served in edible containers or in paper, styrofoam, or other disposable containers, (2) the customer is not served food at his or her table by an employee but receives it at a counter, window, or similar facility for carrying to another location on or off the premises for consumption.

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.

County: Sherburne County.

County Board: The Sherburne County Board of Commissioners.

Daycare, Commercial: A licensed childcare facility that is not a Family Daycare.

Daycare, Family: A licensed facility permitted under Minnesota Rules part 9502.0315, subpart 11 or successor rules and Minnesota Rules part 9502.0315 or its successor. An family daycare is permitted as a Single Family Residence, and shall be limited to the principal structure (i.e. house) and may include use of the yard. One non-illuminated sign is allowed totaling not more than 3 sq ft.

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.

Directional Sign: A sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas, which does not display advertising copy.

District: A section or sections of Sherburne County for which the provisions of this Ordinance are uniform.

Dwelling Single-Family: A detached building designed for and occupied by not more than one family.

Dwelling Unit: A building or portion of a building including kitchen facilities permanently installed which are arranged, designed, used or intended for use as living quarters for one household.

Dwelling, Detached: A dwelling, including its attached garage, if any, which is entirely surrounded by open space on the same lot.

Dwelling, Multiple-Family: A building designed for or occupied by more than two families.

Employee: An individual who performs services for another for hire, regardless of whether wages, salary, benefits, or their equivalents are paid, whether under the direct control or indirect control (i.e. as an independent contractor) of another person or entity, forty (40) hours or more per calendar year on a given property.

Equal Degree of Encroachment: A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Essential Services: Overhead or underground electrical, gas, steam or water transmission or distribution 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, mains, drains, sewers, pipes, conduits, cables, firealarm boxes, policy call boxes, and accessories in connection therewith, but not including buildings for the purpose of this ordinance and work. "Building" does not include "structure" for essential services.

Excavation: The extraction of sand, gravel, rock, soil or other material from the land. Excavation shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility highway construction or minor agricultural and sod removal.

Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed within a building.

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, sections 93.44 to 93.51.

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.

Feedlot: A confined area or building or combination of confined areas 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. Open lots for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

Fire Prone Areas: Fire prone areas are areas which contain natural conifer stands or conifer plantations, which due to flammability of the tree needles, associated ground vegetation, accumulation of duff on the ground, and presence of drought soils, pose a great potential for rapidly spreading wildfires.

Fish House: A portable structure constructed and maintained for the purpose of providing shelter during ice fishing.

Fish House, Dead Storage: Fish houses which are not used as temporary residences during the off season.

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

Flood Frequency: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe: That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Sherburne County.

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.

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.

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 as determined by FEMA and designated on the flood maps.

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

Forestry: The use and management, including logging of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

Foster Family Home: A family home where persons out of their own homes are cared for 24 hours a day for a period of 30 days or more.

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.

Group Home: A specialized residential facility that provides care on a 24 hour basis for a selected group and providing specialized care and a planned treatment program under the direction and control of an agency, institution or independent operator.

Hardship: The condition when the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this ordinance. (As used in connection with a variance under this ordinance.)

Height of Building: The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Home Business: Any occupation which is clearly incidental to the principal use of the homestead as a single family dwelling unit, is conducted in a building other than the dwelling, is conducted by a resident occupant, and does not change the character of the principal use.

Home Occupation: Any occupation which is clearly incidental to the principal use of the home as a single family dwelling unit, is conducted within the dwelling, is conducted by a resident occupant, and does not change the character of the principal use, provided:

- A. Such occupation is carried on entirely within the principal structure
- B. No more than two people are employed other than a member of the household residing on the premises.
- C. Not more than 25 percent of the gross floor area of the residence is used for this purpose.
- D. One non-illuminated sign is allowed totaling not more than 3 square feet and located on the premises.
- E. No articles for sale are displayed so as to be visible from any street.
- F. No mechanical or electrical equipment is used if the operation of such equipment interferes with the desired quiet environment of the area.
- G. Such occupation does not generate more than three additional vehicles at any one time.

Hospital: An institution providing health services and medical or surgical care, primarily for in-patients, to three or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house as herein defined. A hotel has more than six guest rooms.

Household: Any number of individuals living together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel as defined herein.

Illicit Discharge: Any direct or indirect non-storm water discharge to the County's storm drain system, except as exempted in 17.1, Subdivision 14.1 A-C of this ordinance.

Illicit Connections:

Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the County's storm drain system including but not limited to any conveyances that allow any

non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious surface: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt or gravel driveways.

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

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

Intimate Parts: “Intimate parts” includes the primary genital area, groin, inner thigh, buttocks or breast of a human being.

Interim Use: A temporary use of property until a particular date, until the occurrence of a particular event, until zoning regulations no longer permit it, or until the land occupation of the interim use changes ownership.

Kennel, Commercial: Any place where four or more dogs over six months of age are owned, kept, boarded, bred and / or offered for sale.

Kennel, Private: Any place where four or more dogs over six months of age are owned or kept for private enjoyment.

Laundromat: An establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for family laundering purposes.

Light Industry: 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.

Local Street: A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

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

Lot, Corner: A lot abutting upon two or more streets at their intersection or junction or a lot bounded on two sides by a curving street where it is possible to draw two intersecting chords, one each commencing at each of the two points of intersection of the lot lines and street line, which intersect with each other to form an interior angle of less than 120 degrees.

Lots of Record: All lots which are a part of a subdivision legally recorded with the County Recorder/Registrar of Title and lots described by metes and bounds, the deed to which has been recorded in the Office of the County Recorder/Registrar of Title prior to the passage of this ordinance, shall be considered to be Lots of Record. Such lots may be considered a building site if they were created compliant with official controls in effect at the time and the sewage treatment and setback requirements of this ordinance are met.

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.

Manufactured (Mobile) Home: A structure, transportable in one or more sections, which in the travelling 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.

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 mobile home.

Manure, or Animal Manure: Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.

Manure Storage Area: An area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and manure composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to MN Rule 7020.2000, Subp 3, are not manure storage areas.

Massage Parlor: An establishment or place primarily in the business or providing massage services.

Mini-Storage: Facility used for the purposes of renting or leasing individual indoor storage space to occupants who are to have year-around access to such for the purposes of storing and removing personal property.

Mining: Refer to "Excavation."

Motel: A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

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.

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.

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.

Nudity: The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

Nursing Home: An establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services, shall be provided in such an establishment; a hospital shall be construed to be included in this definition.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Office-Showroom Building: A building in which at least 20 percent of the floor space is devoted to office activities, the remainder being used for either warehousing, display, light manufacturing, or research and testing. Floor-to-ceiling joist heights in the warehouse portion would be not more than 14 feet.

Open Space: That portion of a land parcel not occupied by buildings, other structures, or parking areas. Land that is largely free of man-made structures. May include but is not limited to natural areas, parks and agricultural lands.

Open Space Recreation Use: A land use particularly oriented to and utilizing the outdoor character of an area, including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.

Ordinary high water level: The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outlot: A lot that is in a plat that is not buildable for a residence by itself.

Park Trailer: A trailer that: (1) exceeds 8½ feet in width in travel mode but is no larger than 400 square feet when the collapsible components are fully extended or at maximum horizontal width; and (2) is used as temporary living quarters. "Park trailer" does not include a manufactured home.

Pawnbroker: A person who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on the condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged. This definition includes, but is not limited to personal property such as antiques, boats, motors, snowmobiles, ATVs, fish locators, furs, electronic goods, sporting goods, guns, and woodworking/farm tools.

Permanent Residence: Any trailer, vehicle, or building being used as living quarters between November 1 of the year and May 1 of the following year. These residences shall meet the minimum requirements for a Single Family Residence.

Personal Storage Structure: An accessory structure used for non-commercial use that in some cases may be conditionally permitted as the only structure on a parcel.

Planned unit development: (Shoreland) 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.

Planned unit development: (Highway) A type of development, or redevelopment to allow, or preserve appropriate land uses adjacent to major county, state, and federal highway intersections in order to help meet the goals and objectives of the Sherburne County Comprehensive Land Use Plan, Transportation Plan, and related Ordinances. These developments may be accomplished by incorporating a mixture of dimensional regulations, and or uses as regulated by an Interim Use Permit.

Pole Building: A post frame construction building made of wooden or metal parts, with metal panels covering three or more sides, and without a full foundation.

Pool: any structure, chamber, or tank 5,000 gallons or greater in size, containing an artificial body of water designed primarily for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

Pool, Spa: a hot water pool intended for seated recreational use with a water agitation system in addition to the recirculation system. Spa pool is synonymous with the term “whirlpool.”

Pool, Wading: any pool with a maximum depth of 24” used or designed to be used exclusively for wading.

Primitive Campsite: An area that consists of individual remote campsites accessible only by foot or water.

Principal Use: 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.

Principal Building: A bldg in which is conducted the principal use of the lot on which it is situated.

Private Club or Lodge: A bldg and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes of members regularly paying dues, but not primarily for profit or to render a service which is customarily carried on as a business.

Public waters: Any waters as defined in Minnesota Statutes, Section 103G.005, Subd. 15 and 19.

Rap Parlor: An establishment or place primarily in the business of providing nonprofessional conversation or similar services.

Reach: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreational Vehicle: Travel trailers including those that telescope or fold down, chassis-mounted campers, motor homes, tent trailers, converted buses, and fish houses, or similar

vehicles that provide temporary human living quarters. A Recreational vehicle is a vehicle that:

- A. Is not used as the residence of the owner or occupant;
- B. Is used while engaged in recreational or vacation activities; and
- C. Is either self-propelled or towed on public roadways incidental to the recreational or vacation activities.

Regional Flood: a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Regulatory Flood Protection Elevation: An elevation no lower than 1 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.

Resort: A building, structure, enclosure, or any part thereof located on, or on property neighboring any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent one or more cottages, rooms, or enclosures.

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

Rural Tourism: Farm or other historical heritage attractions that include, single family residential properties for day retreats, crafting parties, weddings, receptions, hay rides, corn-mazes and holiday celebrations or similar rural uses. That are shown to have a unique and demonstrable relationship with Sherburne County or the region and its history lore and or natural resources.

Sadomasochistic Abuse: Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

Sauna: An establishment or place primarily in the business of providing (i) a steam bath and (ii) massage services.

Salvage and Wrecking Yard: An outdoor facility used by a business engaged in the reclamation of parts or materials from machinery or buildings.

Satellite Antenna: A device for the reception of signals from communication satellites.

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.

Seasonal or Temporary Businesses: Where the business is an accessory use of the property, and may be utilized for not more than ninety (90) days per calendar year.

Seasonal Storage: Where 25% or more of an agricultural building(s) is converted for the purposes of renting or leasing indoor storage space for storing and removing personal property, and where the facility is open to the public in the spring and fall on a limited seasonal basis, a Conditional Use Permit for Seasonal Storage shall be required.

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.

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.

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. (All dimensions are measured in feet)

Sewage treatment system: A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 17, Subd. 1, of this ordinance.

Sewered Areas: An area that is serviced by a wastewater treatment facility (s), or publicly owned, operated, or supervised centralized septic systems servicing the entire development. **Advisory Committee Comment: This is the definition used in Minnesota Rules Chapter 7080.*

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.

Sexual Conduct: Acts of masturbation, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast, and includes any of the following acts:

- A. the touching by a person of another's intimate parts, or
- B. the touching of the clothing covering the immediate area of the intimate parts
- C. sexual intercourse, cunnilingus, fellatio, or anal intercourse; or
- E. any intrusion however slight into the genital or anal openings of a person's body by any part of another's body or any object used by the person for this purpose.

Sexual Excitement: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Sexually-Oriented Business: Any business including, but not limited to, adults-only bookstores or motion picture theaters or adult entertainment centers, massage parlors, rap parlors, saunas.

Shore impact zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland: Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Sign Area: Projecting or freestanding signs: The area of a freestanding or projecting sign shall be the area of the largest face including its border area. If a sign has an irregular shape or has open spaces within its border, the sign area shall be the area of the smallest single rectangular figure that encloses it. If a freestanding sign or sign structure is constructed so that the faces are not back to back, the angles shall not exceed ten degrees, the total area of both sides added together shall not exceed the maximum allowable sign area for that district.

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.

Single Family Residence: A dwelling which is a minimum of twenty four (24) feet wide and a minimum of seven hundred and twenty (720) square feet in main floor area.

Solar Energy System. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy of transferring heat from a collector to another medium using mechanical, electrical or chemical means.

Solar Farm. A solar energy system composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use but rather for the primary purpose of wholesale sales of generated electricity. Solar Farms include but are not limited to community solar gardens which are defined as a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with the MN Statute 216B.1641 or its successor statute.

Solar (Accessory) Energy System, Ground-Mount. A solar energy system mounted on a rack or pole that sits on the ground or has its own foundation and is not attached to a building and that is accessory to the principal land use, designed to supply energy only for the principal use.

Solar (Accessory) Energy System, Rooftop. A solar energy system mounted on the roof of a building and is accessory to the principal land use, designed to supply energy only for the principal use.

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.

Structure: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, decks, detached garages, cabins, manufactured homes, travel trailers/vehicles.

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

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.

Temporary Start-Up Business: Any temporary occupation which is clearly incidental to the principal use of the homestead as a single family dwelling unit, is conducted in a building other than the dwelling, is conducted by a resident occupant, and does not change the character of the principal use. The temporary business use shall have a definite expiration date, at which time the business use shall cease operations on the permitted property.

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

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

Townhouses: A group of attached single-family dwelling units on a common lot.

Trailered Equipment: Where permitted equipment may be legally transported on one trailer at one-time. Example: If a property is permitted to store one commercial vehicle, one trailer, and trailered equipment, all equipment must be able to be legally transported on that one trailer, at one time.

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.

Truck Terminal: A warehouse and distribution business specializing in the shipment or storage of goods or materials.

Variance: Means 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 enabling legislation.

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

Water-Oriented Accessory Structure or Facility: A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

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 are" 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.

Wholesaling: The selling of goods, equipment, or materials to another business that in turn sells to other customers.

Wooded: A tract of land that has tree canopy over at least 75 percent of it.

Zoning District: An area or areas within the limits of the County of Sherburne for which the regulations and requirements governing land use are uniform.