

## **Chapter 502      Definitions**

### **502.01      Introduction**

Definitions for words and terms used in this Ordinance are defined in §502.03. If not defined in this Chapter, words and terms shall be given their common meaning.

### **502.02      Interpretation of certain terms**

For the purpose of this Ordinance, certain terms or words are used that shall be interpreted as follows:

- A. The word "shall" is mandatory and not discretionary.
- B. The word "may" is permissive.
- C. The word "person" shall include individuals, businesses, firms, associations, organizations, partnerships, trusts, companies and corporations.
- D. Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.
- E. The word "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for."
- F. The masculine gender shall include the feminine and neuter.
- G. The word "Board" includes the "county commissioners", the "Board of County Commissioners" or any other word or words meaning the "Rice County Board of Commissioners."

### **502.03      Definitions**

#### **Abandoned Farm Homestead**

A site previously occupied by a farm dwelling and evidenced by a foundation, uninhabitable farm dwelling, windbreak, outbuildings or other observable physical features.

#### **Abut**

Physically touching or bordering upon; or to share a common property line but not overlap. See ADJOINING LAND

#### **Accessory Structure**

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

#### **Accessory Use**

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

#### **Adjoining Land**

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. See ABUT

#### **Adult Entertainment**

Adult entertainment uses include adult bookstores, adult motion picture theatres, adult motion picture sales/rental, adult massage parlors, adult steam room/bathhouse/ sauna facilities, adult companionship establishments, adult conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses 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" which are capable of being seen by members of the public.

**Agricultural Tourism**

Practice of visiting an Agricultural Use property, whose primary use is agricultural, for the purpose of recreation, education or active involvement in the operation, other than as a contractor or employee of the operation.

**Agricultural Tourism Business**

An Agricultural Use property, whose primary use is agricultural, that hosts guests for the purpose of agricultural related recreation, education or active involvement in the agricultural operation, other than as a contractor or employee of the operation. The business may also utilize the agricultural settings and features to host non-agricultural celebration events.

**Agricultural Use**

Real or personal property used for the production of crops, tillage, husbandry or farming, including but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products (see AGRICULTURALLY ORIENTED BUSINESS).

**Agriculturally Oriented Business**

A business including, but not limited to commercial storage and blending of liquid and dry fertilizers; grain and feed sales; general repair and installation services for agricultural equipment; custom meat processing; agricultural supplies and products sales or warehousing; livestock sales barns and accessory facilities; greenhouse and nursery sales; ethanol and bio-diesel production.

**Airstrip, Private**

An area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Amenity**

A natural or created feature that enhances the aesthetic quality, visual appeal, comfort, convenience or general attractiveness of a particular property, place or area.

**Annexation**

The incorporation of a land area into an existing municipality with a resulting change in the boundaries of that municipality.

**Bed and Breakfast**

An owner-occupied single-family dwelling used in part as short-term lodging, providing one or more meals as part of the rental fee.

**Block**

The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

**Bluff**

A hill, cliff or embankment typically overlooking a plain or body of water, especially on the outside of a stream or river meander, that has the following characteristics:

- A. Part or all of the feature is located within 1,000 feet of a lake or 300 feet of a river or stream; and
- B. The slope drains toward the water body; and
- C. The slope averages at least eighteen (18) percent over fifty (50) feet, and rises at least twenty-five (25) feet above the ordinary high water level of the water body; or the grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater;

**Bluff, Toe**

The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of the lowest-ten (10) foot segment that exceeds eighteen (18) percent slope.

**Bluff, Top**

The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent slope.

**Bluff Impact Zone**

A bluff and land located within thirty (30) feet from the top of the bluff.

**Bluffline**

A line along the top of a slope connecting the points at which the slope becomes less than 12%. This applies to those slopes within the Wild and Scenic River District which are beyond the setback provisions from the ordinary high water level.

**Board of Adjustment**

The Rice County Board of Adjustment as described in the administrative section of this Ordinance and Minnesota Statutes, section 394.27.

**Board of Commissioners**

The Rice County Board of Commissioners, also referred to as the County Board.

**Boathouse**

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

**Building**

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

**Building Height**

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.

**Building Line**

A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

**Building Setback Line**

A line parallel with the street right-of-way line, private road, property line, ordinary high water mark, or access easement, at the required setback beyond which a building may not extend.

**Building, Temporary**

A structure that has no electrical or water connections, no permanent foundation, is built on skids and can be moved when empty with a farm tractor.

**Campground**

An area accessible by vehicle and containing camp sites or camping spurs for tents and trailer camping.

**Centralized Water and Sewer Systems; Centralized Utilities**

Utilities systems serving a group of buildings, lots, or an area of the County, with the design and construction of such utility systems as approved by the County and/or the State of Minnesota.

**Clear-Cutting**

The removal of the major portion (more than 90%) of a stand of timber.

**Cluster Development**

A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of common open space.

**Common Open Space**

Land used for agriculture, natural habitat, pedestrian corridors and/or recreational purposes, that is permanently protected from future development.

**Comprehensive Plan**

The Comprehensive Plan of Rice County, Minnesota, as adopted in 2002 and as subsequently amended or updated.

**Commercial Use**

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

**Commissioner, Department of Natural Resources**

The Commissioner of the Department of Natural Resources, or his or her designee within the Department.

**Composting**

The aerobic decomposition of organic wastes to a relatively stable humus subject to further, slower decay but sufficiently stable not to reheat or cause odor or fly problems.

**Conditional Use**

A land use or development as defined by ordinance that would not be appropriate generally, but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, (2) the use or development conforms to the Comprehensive Plan and (3) the use is compatible with the existing neighborhood.

**Condominium**

A form of individual ownership with a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

**Conservation Easement**

A legal agreement restricting development of farmland or natural areas. Lands subject to a conservation easement are generally restricted to farming and open space uses. A conservation easement does not imply any right of public access, except for periodic monitoring by the agency or entity holding the easement.

**Contour Map**

A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

**Contractor's Yard**

Outdoor storage of materials and vehicles associated with a contractor's office that shares the site.

**Cooperative**

A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

**County**

Rice County, Minnesota.

**Covenants**

Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**Crop Equivalency Rating**

The weighted average per quarter-quarter section of land that represents the relative net economic return per acre of soil as reflected by the differences in productivity between soils, as determined by the University of Minnesota and adopted by the Board of County Commissioners.

**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.

**Domestic Pets**

Any of various animals adopted by man so as to live and breed in a tame condition.

**Double Frontage Lots**

Lots which have a front line abutting on one street and a back or rear line abutting on another street.

**Drainageway**

Any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines, or washes, in which waters flow in a definite direction or course, either continually or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

**Dredging**

The process by which soils, mostly in the form of silt, or other surficial materials which are transported by surface water as a product of erosion into a body of water are removed for the purpose of deepening the body of water.

**Dwelling, Multifamily**

A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

**Dwelling, Two Family**

A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. Also called a Duplex.

**Dwelling, Single-Family**

A free-standing (detached) residence designed for or occupied by one (1) family only, including manufactured homes that meet current federal HUD standards.

**Dwelling, Single-Family Attached**

A single family dwelling attached by party walls to other single family dwellings in a linear arrangement, and oriented so that all exits open to the outside. See TOWNHOUSE.

**Dwelling Unit**

Two (2) or more rooms within a structure which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included for each dwelling. A mobile home, with the above accommodations, located in areas approved for mobile homes shall be considered a dwelling unit. A house trailer, camper-trailer, camper-bus or tent are not considered dwelling units.

**Easement**

A grant by an owner of land for the specific use of said land by the public, or to a person or persons.

**Erosion**

The process by which the ground surface is worn away by action of wind or water.

**Essential and Transmission Services**

Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication supply or disposal systems and structures used by public utilities or governmental departments or commissions or as required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings. For the purpose of this Ordinance the word "building" does not include "structures" for essential services.

**Excavation or Extraction**

Any artificial movement of the earth within the County, dug, excavated, or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth.

**Exterior Storage (includes open storage).**

The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**Family**

An individual, or two (2) or more persons related by blood, marriage or adoption, or up to six (6) unrelated persons, living together as a single housekeeping unit in a dwelling unit.

**Farm**

A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming.

**Fence**

A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the required yard.

**Fill**

Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled, or transported and shall include the conditions resulting therefrom.

**Final Plat**

The final drawing of the subdivider's plan as presented to the County Board for approval and which, if approved, will be submitted to the County Recorder to be recorded.

**Floor Area**

The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, including basements and attached accessory buildings.

**Food Sales/Service Located on a CSA Farm**

Establishments located on a Community Supported Agriculture Farm primarily intended to serve the local CSA and local neighborhood whose principal business is the sale of food and/or non-alcoholic beverages including a standard restaurant, bakery, coffee house, ice cream parlor, deli, grocery or similar use. However, no one use may exceed 2,000 square feet of floor area.

**Forest Land**

Land not currently developed for nonforest use and having at least 20 percent stocking of deciduous trees. Contiguous areas of trees must have a minimum crown width of 120 feet and trees with a minimum diameter, measured at 4.5 feet, of twelve (12) inches to qualify as forest land. Land within ravines, on steep slopes, below the ordinary high water level, or a flood plain, shall not constitute forest land. Unimproved roads and trails, streams or other bodies of water or clearings in forest areas will not be classed as forest land. The minimum contiguous area for classification of forest land is one (1) acre, minimum width is 120 feet and minimum canopy density is sixty (60) percent.

**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 wood roads, skidways, landings, and fences.

**Grading**

Any excavating or filling of earthen materials or combination thereof, but not including normal agricultural operations.

**Home Occupation**

Any gainful occupation or profession engaged in by an occupant of a dwelling which is clearly limited in extent and secondary to the principal use of the dwelling for residential purposes, and which does not change the character of the principal use.

**Homeowners Association**

A formally constituted nonprofit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.

**Hunting Club**

A private noncommercial site maintained by a membership organization for the purpose of hunting and related outdoor recreation.

**Industrial Use**

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

**Industrial Waste**

Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

**Infill Development**

Development of a vacant parcel or parcels in a predominately built-up area, such as a village or shoreland neighborhood. Infill parcels are generally located on an existing street and are adjacent to existing dwellings or other developed parcels.

**Intensive Vegetation Clearing**

More than 90% removal of trees or shrubs in a contiguous patch, strip, row, or block.

**Junk Yard/Salvage yard**

Land or buildings where waste, discarded or salvaged materials are brought, purchased, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles, Provided further that the storage of three (3) or more inoperative and/or unlicensed motor vehicles or other forms of motorized transportation or trailers shall be considered a junk yard. This includes but is not limited to cars, trucks, trailers, snowmobiles, ATVs, motorcycles and off highway vehicles.

**Kennel, Commercial**

Any structure or premises on which four (4) or more domestic dogs, cats or other domestic animals over four (4) months of age are kept for sale, breeding or profit.

**Land Alteration**

The extraction, grading or filling of land involving movement of earth and materials in excess of fifty (50) cubic yards in the Shoreland Districts and in excess of five hundred (500) cubic yards in all other areas.

**Land Use Permit**

Any permit required under this ordinance; except building or structure permits.

**Lodging Room**

A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

**Logging**

The cutting of timber on any public or private land of one (1) acre or more for the major purpose of selling the timber for a profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or diseased trees.

**Lot**

A parcel of land, legally described and recorded with the County Recorder.

**Lot Area**

The gross lot area is the area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake, river, flood plain zone or floodway.

**Lot Depth**

The average horizontal distance between the front lot line and the rear lot line or ordinary high water mark, or to the most distant point on any other lot line where there is no rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

**Lot Width**

The lot width is the horizontal distance between the side lot lines of a lot, parallel to the front lot line and measured at the minimum required front yard setback.

**Lot Line**

A property boundary line of any lot held in separate ownership except that where any portion of the lot extends into the abutting alley or street, the lot line shall be deemed to be the street or alley right-of-way line.

**Lot Line, Front**

That boundary of a lot which abuts an existing or dedicated public street. A corner lot shall be deemed to have frontage on both streets. Where a lot does not abut a publicly dedicated road the front line shall be designated by the County.

**Lot Line, Rear**

The lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front property line.

**Lot, Corner**

A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street.

**Maintenance and Minor Repairs**

Includes repair of doors, floors and eave troughs, repainting and stuccoing of exterior, interior redecorating, foundation or basement repair, new heating, air-conditioning and plumbing equipment or repair of present equipment; each of which may be done in total, or in part, except the structure shall not be expanded in any way.

**Manufacturing, Limited**

A business engaged in light manufacturing activities that are contained wholly within a building and do not produce any off-site impacts. Examples include light assembly and packing.

**Metes and Bounds Description**

A description of real property which is not described by reference to a lot or block shown on a map or a recorded plot, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property.

**Miniature Golf**

A theme-oriented recreational facility, typically composed of nine or 18 putting greens, each with a "cup" or "hole," where patrons pay a fee to move in consecutive order from the first hole to the last. The facility is not a true golf course, and is typically less than 10,000 square feet in size.

**Mixed-Use Building**

A building that combines two or more uses, typically with nonresidential (commercial or office) uses on the ground floor and residential uses, offices or studios above.

**Mining Operation**

The removal of stone, sand and gravel, peat, black dirt, topsoil, or other material from the land for commercial, industrial, or governmental purposes.

**Mobile Home/Manufactured Home/Prefabricated Building**

A residential unit constructed at a factory or assembly point, designed for year round occupancy and moved to site in one (1) or more sections. Trailers, campers, bus(es) are not included.

**Mobile Home Park**

Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied mobile homes. "Mobile Home Park" shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.

**Mobile Home Subdivision**

A subdivision intended for placement of mobile homes or conventional homes, having a minimum of ten (10) lots and at least thirty (30) percent of the lots must be occupied by or reserved for mobile homes.

**Natural Waterway**

A natural passageway on the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

**Nonconforming Use**

A use lawfully in existence on the effective date of the adoption of this Ordinance and not conforming to the new regulations for the district in which it is situated.

**Obstruction (Waterway)**

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, 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, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**Off-Street Loading Space**

A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.

**On-site Sewage Treatment System**

A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated by this Ordinance and the Rice County Sewage and Waste Water Treatment Ordinance.

**Open Space Recreational Use**

Recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation 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.

**Parcel**

See LOT

**Parking Space**

A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building and of sufficient size to store one standard automobile.

**Permit**

The granting of authority by governmental body to conduct certain activities and which may include a certificate of compliance.

**Planned Unit Development**

A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and/or mix of structure types and land uses.

**Portable Building**

A structure that can be easily moved when empty and which is not on a permanent foundation.

**Prefabricated Home**

A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

**Preliminary Plat**

A map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

**Principal Structure or Use**

One which determines the predominant use as contrasted to accessory use or structure.

**Property Line**

The legal boundaries of a parcel. For setback purposes a road right-of-way will be considered a property line.

**Public Land**

Land owned or operated by municipal, school district, county, state, or other governmental units.

**Public Recreation Area**

Land owned by a municipality, school district, county, state or township and operated as a parks and recreation area; trail, or forest and game management area.

**Public Waters**

Those waters of the state identified as public waters or wetlands under Minnesota Statutes Section 103G.005, Subd. 15 and Subd. 18.

**Quarter-Quarter**

A square measure of approximately forty (40) acres being one quarter of a quarter section and lying wholly within a single section. Correction lines required by the Rectangular Survey System which result

in a quarter-quarter section of less than forty (40) acres shall constitute a quarter-quarter section for purposes of this Ordinance.

**Receiving Area**

An area or district to which development rights may be transferred. Sending and receiving areas may be located in the same zoning district or in different districts, as specified in Chapter 520 of this Ordinance.

**Recreational Vehicles**

Travel trailers including those that telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, and converted buses that provide temporary living quarters. A vehicle is considered recreational if it:

- A. Is not used as the residence of the owner or occupant;
- B. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities;
- C. Is self-propelled or towed on the public streets or highways incidental to the recreational or vacation activities; and
- D. Is licensed as a motor vehicle and is maintained in road-ready condition.

**Registered Land Survey**

A survey map of registered land designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes §508.47.

**Resort**

A development consisting of buildings, camping spaces, parking areas, and recreation areas, for lease or rent for short-term residence, on one tract of land, under one ownership for the purpose of vacationing, relaxation or recreation.

**Right-of-Way**

The land covered by a public road and adjacent land designated or reserved for public use.

**Road**

See STREET

**Salvage Yard**

See Junk Yard

**Sanitary Landfill**

A method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

**Selective Cutting**

The removal of single scattered trees while maintaining a continuous tree cover.

**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.

**Sending Area** – An area or district from which development rights may be transferred.

**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 feature and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other feature.

**Sewage**

Any water-carried domestic waste, exclusive of subsurface and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

**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 fifty (50) percent of the normal structure setback.

**Shoreland**

Land defined on the official zoning map, and generally extending: (1) One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and (2) three hundred (300) feet from a river or stream or the landward extent of a floodplain. Shorelands may also be defined by a physical feature such as a ridgeline, change in topography, or roadway that generally parallels the shoreline, or by the boundary of an existing developed area.

**Shoreland Residential Cooperative**

A cooperative formed under Minnesota Statutes Chapter 308A, which cooperatively owns real property located in the Shoreland District. Such cooperative may include ownership of residential structures and accessory community structures.

**Shoreland Setback**

The minimum horizontal distance between a structure and the ordinary high water level.

**Sign**

A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

**Sign, Off-Premises**

A sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises where the sign is located.

**Sign, Surface Area of**

The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face V-type sign structure shall be used in computing the total surface area.

**Sign, Temporary**

A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wall board or similar material and intended to be displayed for a limited period of time but does not include candidate advertisements.

**Significant Historical 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 Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.

**Sketch Plan**

A concept drawing indicating a proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

**Soil Survey**

A soil map or inventory of the soils of an area and a report of text describing the kinds of soils shown on the map and summarizing what is known about these soils including their classification and capabilities.

**Solid Waste**

Garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Solid waste does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

**Steep Slope**

Lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more.

**Street**

A public way for vehicular traffic, whether designated as a street, highway, arterial, collector, road, avenue, land, place or otherwise designated. Street classifications include the following:

- A. **Arterial Street or Highway**  
A street or highway designed primarily to serve as a link between various sectors of the County and beyond.
- B. **Collector Street**  
A street designed to serve the internal traffic circulation of a recognized land use area which distributes and collects traffic from local streets and connects with highways and/or arterial streets.
- C. **Local Street**  
A street designed for access to abutting property not intended to facilitate through traffic.
- D. **Private Street**  
A street serving as vehicular access to a parcel of land which is not dedicated to the public but is owned by one or more private parties.
- E. **Cul-de-sac**  
A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn-around.
- F. **Service Road**  
A minor street which is parallel and adjacent to an arterial street or highway and which provides access to abutting properties.

**Street Width**

The width of the right-of-way, measured at right angles to the center line of the street.

**Structure.**

Anything constructed or erected that requires location on the ground or is attached to something having a location on the ground. See also BUILDING.

**Structural Alterations**

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

**Subdivider**

Any person commencing proceedings under this Ordinance to effect a subdivision of land whether for that person or for another.

**Subdivision**

The division of any parcel of land into two (2) or more lots, blocks and/or sites, including the resubdivision of land.

**Suitable Area**

“Suitable Area” is the area remaining on a lot or parcel of land after bluffs, areas with slopes greater than 25 percent, all easements and rights-of-way, wetlands, land below ordinary high water level, road setbacks and ordinary high water setback are subtracted.

**Supervised Residential Program**

A program which provides 24 hour-a-day care, supervision, food and lodging outside a person's home for persons whose primary diagnosis is mental retardation, mental illness, chemical abuse or dependency.

**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 conduct of business. Marinas, resorts, baitshops, campgrounds and restaurants with transient docking facilities are examples of such use.

**Temporary**

The use of land, or a structure, that occurs or exists for a short, limited period of time, as distinguished from uses and structures that are permanent.

**Transfer of Development Rights** – The conveyance of development rights by deed, easement or other legal instrument authorized by the County to another parcel of land, and the recordation of that conveyance in the land records of Rice County.

**Transferable Development Right** – The right to develop one dwelling unit on a parcel or tract of land, under the requirements of Chapter 520 of this Ordinance.

**Tower**

Any ground or roof mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the use of mounting an antenna, meteorological device, or similar apparatus above grade.

**Townhouse**

A single family dwelling attached by party walls to other single family dwellings in a linear arrangement , and oriented so that all exits open to the outside. See DWELLING, SINGLE-FAMILY ATTACHED

**Travel Trailer**

A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place and includes camp car, camp bus, camper and house car. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the approved State of Minnesota Building Code.

**Tributary River or Stream**

Protected watercourses in Rice County classified and defined in Chapter 516, Shoreland Districts, Section 4F.

**Use**

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure, or on a tract of land.

**Use, Accessory**

A use clearly incidental or accessory to the principal use of a lot or building located on the same lot as the accessory use.

**Use, Conditional**

A use which, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Planning Commission and imposition of such conditions as necessary to make the use compatible with other uses permitted in the same district or vicinity.

**Use, Permitted**

A public or private use which is generally permitted if it conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.

**Use, Principal**

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

**Variance**

Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

**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. No bathroom, kitchen facilities or bedrooms are permitted.

**Water-Oriented Commercial Recreation**

The principal use of land or buildings in a Shoreland District for the sale, lease, rental or trade of products, goods and services that relate to a nearby body of water and could not be effective if operated away from a body of water. Examples include: fishing and bait shops, and boat and canoe rentals.

**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 definition, wetlands must have hydric soils, predominantly hydric vegetation, and display wetland hydrology. Wetlands are further defined in the Wetland Conservation Act, Minnesota Statutes, section 103G.222-2373.

**Yard**

A required open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for such accessory buildings or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and any building.

**Yard, Front**

An unoccupied and unobstructed space on the same lot with a building extending along the full width of a front lot line and situated between the front line of the building and the front line of the lot.

**Yard, Rear**

A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

**Yard, Side**

A yard lying between side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines.

**Zoning Amendment**

A change authorized by the County either in the allowed use within a district or in the boundaries of a district.

**Zoning District**

An area or areas within the limits of the County for which the regulations and requirements governing use are uniform. District boundaries are shown on the Official Zoning Map.