

SECTION 2
RULES AND DEFINITIONS

Subdivision

2.01 Rules

2.02 Definitions

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

- A. The singular number includes the plural and the plural the singular.
- B. The present tense includes the past and future tenses, and the future the present.
- C. The word "shall" is mandatory, and the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition.
- F. All measured distances expressed in feet shall be to the nearest one-hundredth of a foot.
- G. Whenever a calculation is made based upon the provisions herein, if a fraction of a number results, the more restrictive rounding to a whole number shall apply.

2.02 DEFINITIONS: The following words and terms, whenever they occur in this Ordinance, are defined as follows:

- A. **Abutting:** Making direct contact with or immediately bordering.

Accessory Building, or Use: A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

Addition: A physical enlargement of an existing structure.

Adjacent: In close proximity to or neighboring, not necessarily abutting.

Administrative Permit: A permit issued by the Zoning Administrator in accordance with procedures specified in this Ordinance.

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

Agricultural Use: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:

1. Field crops including but not limited to: barley, soybeans, nursery stock, garden crops, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
2. Livestock including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits, and mink.
3. Livestock products including but not limited to: milk, butter, cheese, eggs, meat, fur and honey.

Animals:

1. Domestic Animals. House pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the City. Domestic animals shall include birds and rabbits normally sheltered outside the home.
2. Farm Animals. Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.
3. Wild Animals or Exotic Animals. Any mammal, amphibian, reptile or bird which is of a species not usually domesticated, and of a species which, due to size, wild nature or other characteristics, is dangerous to humans. The term includes animals and birds the keeping of which is licensed by the state or federal government, such as wolves, and raptors. By way of example and not of limitation, the term includes: snakes, eagles, ocelots, jaguars, cougars, weasels, ferrets, badgers, monkeys, chimpanzees, deer and bison. The term also includes crossbreeds such as the cross between dogs and coyotes and dogs and wolves.

Antenna, Personal Wireless Service: A device consisting of a metal, carbon fiber, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of radio waves in wireless communications including cellular, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services, and including the support structure thereof.

Antenna, Public Utility Microwave: A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the supporting structure thereof.

Antenna, Radio and Television, Broadcast Transmitting: A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio or television programming, and including the support structure thereof.

Antenna, Radio and Television Receiving: A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the supporting structure thereof.

Antenna, Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses and including the support structure thereof. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television receive only) and satellite microwave antennas.

Antenna, Short-Wave Radio Transmitting and Receiving: A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the supporting structure thereof.

Antenna Support Structure: Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Applicant: The owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Ordinance are being considered for or reviewed.

Automobile Repair, Major: General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

Automobile Repair, Minor: Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding twelve thousand (12,000) pounds gross weight, but not including any operation specified under "automobile repair, major".

Automobile Wash (Car Wash): A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

Awning: A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B. **Basement:** A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Bay: Cantilevered area of a room.

Block: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or railroad right-of-way or unsubdivided acreage.

Boarding House (Rooming or Lodging House): A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging are provided for three (3) or more persons, but not to exceed twenty (20) persons.

Buffer: The use of land, topography, difference in elevation, space, fences, or landscape planting to screen or partially screen a use or property from the vision of another use or property, and thus reduce undesirable influences such as: sight, noise, dust and other external effects.

Buildable Area: The space remaining on a lot after the minimum setback and open space requirements of this Ordinance have been met.

Building: Any structure having a roof which may provide shelter or enclosure of persons, animals, chattels, or property of any kind and when said structures are

divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either or the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Building Line: A line parallel to the street right-of-way, street easements, or ordinary high water level at any story level of an existing building and representing the minimum distance which all or any part of the existing building is set back from said right-of-way, easement or ordinary high water level. In the case of street easements, the building line shall be the required front yard plus one-half (1/2) the easement width measured from the centerline.

Building Setback: The minimum horizontal distance between the building and the lot line.

Business: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

C. **Canopy:** An accessory roof-like structure, which is either attached to or detached from an allowable primary building; which is open on all sides, other than where attached; and, which is located over and designed to provide cover for entrances, exits, walkways, and approved off-street vehicle service areas.

Cemetery: A parcel or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, mausoleums and mortuaries when operated within the boundaries of such cemetery.

Channel: A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

Church: A building and uses, where persons regularly assemble for religious worship and which building, and uses, is maintained and controlled by a religious body organized to sustain public worship.

City Attorney: The person designated by the City Council to be the City Attorney for St. Augusta.

City Building Official: The person designated by the City Council to be the City Building Official for St. Augusta.

City Council: The City Council of St. Augusta.

City Engineer: The person designated by the City Council to be the City Engineer for St. Augusta.

City Planner: The person designated by the City Council to be the City Planner for St. Augusta.

Clear Cutting: The removal of an entire stand of trees and woodland.

Club or Lodge: A non-profit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests.

Cluster Development: A development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a planned unit development.

Common Open Space: Any open space including parks, nature areas, playgrounds, trails, and recreational buildings and structures which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

Community Center: A building or room or group of rooms within a building designed specifically as a gathering place for the general public or for a specific segment of the general public and operated on a non-profit basis.

Community Water and Sewer System: Utility systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility system as approved by the community and the State of Minnesota.

Comprehensive Plan: A comprehensive plan prepared by the City, including a compilation of policy statement goals, standards and maps indicating the general locations recommended for the various functional classes of land use, places, and structures, and for the general physical development of the City, including

any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Conditional Use: Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning district, which for the respective conduct or performance in such designated districts may require reasonable, but special, unusual or extraordinary limitations peculiar to the use for the protection, promotion and preservation of the general public welfare, health and safety, and the integrity of the City Comprehensive Plan and for which a conditional use permit is required.

Conditional Use Permit: A permit issued by the City Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

Contractor: General contractors and builders engaged in the construction of buildings, either residences or commercial structures, as well as heavy construction contractors engaged in activities such as paving, highway and utility construction.

Contractor's Storage Yard: That part of a lot or parcel upon which a construction contractor maintains its business office and an area enclosed by fence and/or screening that is used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

Construction Waste: Building materials and other wastes associated with construction projects including, but not limited to, such materials as wood, concrete, drywall, masonry, roofing, siding, structural metal, wire, insulation, plastics, Styrofoam, twine, baling and strapping materials, cans, buckets, packaging materials and containers.

Convenience Food Establishment: An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

Curb Level: The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.

- D. **Day Care Facility, State Licensed:** Any facility licensed by the State Department of Human Services or Department of Health, public or private, which for gain or otherwise regularly provides one or more persons with care, training,

supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, day time activity centers, day treatment programs and day services, as defined by Minnesota State Statutes, Section 245.782.5, as may be amended.

Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.

Density, Residential: A number expressing the relationship of the number of dwellings to an acre of land as established in the Comprehensive Plan.

Deposition: Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, floodplains, or wetlands.

Display, Outside: A class of storage outside the principal building where merchandise is visible and may involve active sales as well as passive sales (where items can be taken inside for actual purchase). Outside display of merchandise may be temporary or permanent depending upon the conditions of the permit issued pursuant to this Ordinance.

Distribution Center: A use greater than fifty thousand (50,000) square feet in area in which typically large volumes of commodities are received and organized for transport prior to final dispersal to the consumer.

Diversion: A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

Draining: The removal of surface water or ground water from land.

Dredging: To enlarge or clean out a waterbody, watercourse, or wetland.

Drive Through Business: A business that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles, excluding gasoline service stations as defined in this subdivision.

Dwelling: A building or portion thereof, designated exclusively for residential occupancy, but not including one family, two family, and multiple family dwellings, but not including hotels, motels, boarding houses, or manufactured housing.

Dwelling, Single Family: A dwelling unit designed exclusively for occupancy by one (1) family.

1. **Attached.** A dwelling which is joined to another at one or more sides by a party wall.
2. **Detached.** A dwelling unit not attached to another dwelling or structure or is entirely surrounded by open space.

Dwelling Unit: A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers.

- E. **Easement, Access:** A grant by a property owner for the use of a strip of land by the public or another person or entity for the purpose of allowing ingress or egress to property.

Easement, Utility: A grant by a property owner for the use of a strip of land for the installation of utilities or for the preservation or maintenance of a drainage facility.

Erosion: The wearing away of land surface by the action of natural elements.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water or sewer transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Transmission/reception support structures and antennas shall not be considered an essential service.

Essential Service Structures: Structures and buildings necessary for the operation of essential services, including but not limited to: telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, lift stations. Essential service structures shall not include transmission/reception antennas.

Excavation: The mechanical removal of earth material below finish grade and shall be limited to only those areas needing soil correction, and shall not include the exporting of earth material from the site.

Existing Grade: The grade prior to grading.

- 1 **Explosive:** Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat capable of producing destructive effects.

The term includes devices that produce a chemical reaction that produces gas capable of bursting its container and producing destructive effects. The term does not mean or include black powder, smokeless powder, primers, and fuses when used for antique or replica muzzle loading rifles, pistols, muskets, shotguns, and cannons or when possessed or used for rifle, pistol, and shotgun ammunition, nor does it include fireworks as defined in Minnesota Statutes Section 624.20.

Extractive Use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

F. **Family:** An individual or two (2) or more persons related by blood, marriage, adoption, or a functional family living together in a dwelling unit and sharing common cooking facilities.

Family, Functional: A group of no more than six (6) people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Farm: A tract of land greater than ten (10) acres in size, which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farm may include agricultural dwelling and necessary buildings and structures necessary to the operation of the farm.

Farm - Hobby: A tract of land generally consisting of ten (10) or less acres in size with a house and accessory buildings on which crops and often livestock are raised but not as a principal source of income.

Farming: The process of operating a farm for the growing and harvesting of crops which shall include those necessary buildings, related to operating the farm, and the keeping of common domestic farm animals.

Farmstead: A dwelling unit surrounded by or connected to a farming operation, all under single ownership.

Feedlot Related:

1. **Animal Feedlot Permit:** A permit issued by the Minnesota Pollution Control Agency (MPCA) when the potential pollution hazard will not be corrected within ten (10) months of the date of permit issuance or when manure is not used as a domestic fertilizer. This permit shall contain such

conditions and requirements as the agency deems necessary in order to insure compliance with applicable state rules.

2. **Animal Unit (AU):** A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance, the following equivalents shall apply:

Animal	AU Per Animal	140 AU Equals:	200 AU Equals:	350 AU Equals:
One mature dairy cow	1.40	100 animals	143 animals	250 animals
One slaughter steer or heifer	1.00	140 animals	200 animals	350 animals
One horse	1.00	140 animals	200 animals	350 animals
One swine over 55 pounds	.40	350 animals	500 animals	875 animals
One duck	.20	700 animals	1,000 animals	1,750 animals
One sheep	.10	1,400 animals	2,000 animals	3,500 animals
One swine under 55 pounds	.05	2,800 animals	4,000 animals	7,000 animals
One turkey	.018	7,778 animals	11,111 animals	19,444 animals
One chicken	.01	14,000 animals	20,000 animals	35,000 animals

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds. The total number of animal units subject to permit or registration shall be determined by including operations located within one-half mile which utilize a common area or system for manure disposal.

3. **Certificate of Compliance:** A letter from the MPCA Director to the owner of an animal feedlot stating that the feedlot meets agency requirements and the livestock operation does not create or maintain a potential pollution hazard or the potential pollution hazard has been corrected to meet MPCA requirements.
4. **Change in Operation:** An increase beyond the permitted maximum number of animal units, an increase in the amount of animal units which are confined at an un-permitted animal feedlot requiring a construction investment, or a change in the construction operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

- 5. Commissioner: The Commissioner of the MPCA whose duties are defined in Minnesota Statutes, Section 116.03, as amended.
- 6. Corrective or Protective Measures: A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with MPCA rules.

- 7. Domestic Fertilizer:
 - a. Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or
 - b. Animal manure that is used as compost, soil conditioners, or specialized plant beds.

8. Drainage Ditch: A natural or constructed open channel that is shaped or graded for the stable conveyance of storm water runoff.

9. Earthen Basin: A dike or excavated structure, often lined with clay or a synthetic liner, in which manure is stored. The basin is emptied at least once each year. It is designed by a professional engineer or Natural Resources Conservation Service/Soil and Water Conservation District (NRCS)/(SWCD) technician.

10. Feedlot, Animal: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

11. Feedlot, New Animal: An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five (5) years or more.

12. Feedlot Operator: An individual, a corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

13. **Interim Permit:** When required, a permit issued by the MPCA which expires no later than ten (10) months from the date of issuance, identifying the necessary corrective measures to abate potential pollution hazards.
14. **Lagoon:** A manure treatment structure, typically earthen. Lagoons can be aerobic, anaerobic, or facultative depending on their design. An anaerobic lagoon is different from an earthen storage basin in that the lagoon is managed for manure treatment. Anaerobic lagoons are only partially emptied each year whereas earthen storage basins are emptied once or twice a year.
15. **Manure, Animal:** The fecal and urinary excretions of livestock and poultry. Manure can include bedding material and water used for livestock. Types of manure have descriptive names such as liquid, slurry, and solid. Manure that has a content of more than ninety-six (96) percent moisture is liquid. Manure with a moisture content between ninety (90) and ninety-six (96) percent is referred to as a slurry. A moisture content of less than eighty-four (84) percent is considered solid.
16. **Manure Storage Area:** An area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for these parts.
17. **National Pollutant Discharge Elimination System (NPDES) Permit:** A permit issued by the MPCA for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations. Issued to large facilities (one thousand (1,000) animal units or more) that have the potential to discharge to waters of the state.
18. **Pastures:** Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or water devices.
19. **Potential Pollution Hazard:** A condition which indicates a potential for pollution of the land or waters of the state including:
 - a. An animal feedlot or manure storage area whose boundaries are located within shoreland or floodplain, or are located in an area draining directly to a sink hole or draining to an area with shallow soils overlying a fractured or cavernous rock, or are located within one hundred (100) feet of a water well; or

- b. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or ground waters of the state in excess of applicable standards, including, but not limited to, Minnesota Rules Chapter 7050 and 7055, during a rainstorm event of less magnitude than the 25-year, 24-hour event or will allow uncontrolled seepage of pollutants into the ground water or violate any applicable state rules.

Fence Related:

- 1. "Fence" shall mean a partition, wall, hedge, row(s) of continuous plantings, or gate erected as a dividing marker, visual or physical barrier, or enclosure.
 - a. "Man-made fence" shall mean a partition or wall constructed of wood, metal, masonry, brick, stone, concrete, and the like.
 - b. "Natural hedge or planting" shall mean a divider or barrier comprised of vegetation materials.
- 2. "Fence height" shall mean the distance from the adjacent finished grade to the highest projection of a fence structure, not including support posts.

Fill: A deposit of each material placed by artificial means so as to elevate the grade of a site.

Filling: The act of depositing any rock, soil, gravel, sand or other material so as to fill a waterbody, watercourse, or wetland.

Flood Related:

- 1. Equal Degree of Encroachment: Method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.
- 2. FEMA: Federal Emergency Management Agency.
- 3. Flood: A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
- 4. Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

5. Flood Fringe: That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City.
6. Flood Hazard Areas: The areas included in the floodway and flood fringe as indicated on the official Zoning Map and the Flood Insurance Study and Flood Insurance Rate Map which have been officially adopted by the City.
7. Flood Insurance Rate Map: The Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City and as applicable and allowed by law, the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the County of Stearns and dated March 1, 1979.
8. Flood Insurance Study: The Flood Insurance Study prepared for the City by the Federal Emergency Management Agency and, as applicable and allowed by law, the Flood Insurance Study prepared by the Federal Emergency Management Agency for the County of Stearns and dated March 1, 1979.
9. Floodplain: The areas adjoining a watercourse which has been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
10. Floodproofing: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.
11. Floodway: The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
12. Obstruction: 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 hazard area 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, 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.

13. **100-Year Flood:** A flood which is representative of large regional 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 as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
14. **Reach:** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by the natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.
15. **Regulatory Flood Protection Elevation:** A point not less than one (1) foot above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the Flood Insurance Study plus any increase in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Section are required to be elevated or flood-proofed.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.

Floor Plan: A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

Frontage: That boundary of a lot which abuts an existing or dedicated public street, watercourse or similar barrier.

- G. **Garage, Private (Residential):** An accessory building or accessory portion of the principal building which is primarily intended for and used to store the private passenger vehicles and trucks not exceeding twelve thousand (12,000) pounds gross weight, of the family or families resident upon the premises. Excepting home occupations as may be allowed by this Ordinance, no business, service or industry shall be conducted within a residential private garage.

Garage, Public: A building or portion of a building, except any herein defined as private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for enumeration or hire and in which any sale

of gasoline, oil and accessories is only incidental to the principal use (see also automobile repair-minor and major).

Gazebo: A freestanding accessory structure or pavilion. Such structures are characterized by partly open construction, design symmetry, and the use of ornamental architectural features.

Grade (Adjacent Ground Elevation): The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grading: Changing the natural or existing topography of land.

Grocery, Convenience Market: A retail establishment having a gross floor area of less than seven thousand five hundred (7,500) square feet which offers for sale pre-packaged food products, household items and other goods associated with the same. Convenience markets are intended to draw customers from surrounding neighborhoods and not the entire community.

Grocery, Supermarket: A retail establishment having a gross floor area of seven thousand five hundred (7,500) square feet or greater which offers for sale food products, household items and other goods associated with the same. In many cases, supermarkets include pharmacies, delicatessens and snack bars. Supermarkets are intended to draw customers on a community, but not regional scale.

Group Care Facility: A facility which provides resident services to seven (7) or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. Category includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children; maternity shelters and halfway houses.

Group Day Care Center: Any location which provides care for six (6) or more unrelated children at one time, for compensation, and which is licensed to provide such services by the Minnesota Department of Human Services or Department of Health. This term shall include, but is not limited to, uses such as day nurseries, child care centers, and drop in care centers.

H. **Hardship:** A situation where property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

Highway: Any public thoroughfare or vehicular right-of-way with a federal, state, or county numerical route designation.

Home Occupation: Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

Home Occupation, Interim: A home occupation which does not meet the requirements of a permitted home occupation and requires approval of an interim use permit pursuant to Section 25 of this Ordinance.

Home Office: A home occupation consisting of a room or group of rooms used for conducting affairs of a recognized business, profession or service solely by the occupant of the dwelling and which does not involve the on-site sale of products or client/patron site visitations.

Hotel: A building which provides a common entrance, lobby, halls, and stairway and in which twenty (20) or more people are, for compensation, lodged with or without meals.

I. **Impervious Surface:** An artificial or natural surface through which water, air, or roots cannot penetrate. It includes surfaces such as compacted sand or clay as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

¹ **Incendiary Device:** A device so articulated that an ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion. The term does not include a manufactured device or article in common use by the general public that is designed to produce combustion for a lawful purpose, including but not limited to matches, lighters, flares, or devices commercially manufactured primarily for the purpose of illumination, heating, or cooking. The term does not include firearms ammunition.

Interim Use: A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

Interim Use Permit: A permit issued by the City Council in accordance with procedures specified in this Ordinance.

J. **Junk Yard:** An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber,

tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

K. **Kennel, Dog:** Any structure or premises on which four (4) or more dogs over six (6) months of age are kept for pets, sale, breeding, profit, etc.

L. **Land Reclamation:** The process of the re-establishment of acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

Landfill: A type of operation in which earth is deposited in alternate layers of specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

Landscaping: Plantings such as trees, flowers, grass and shrubs and improvements directly related thereto.

Loading Space (Off-Street): A formally delineated space, area, or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials.

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 (1) lodging room.

Lot: A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

Lot (of Record): Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Stearns County, Minnesota, prior to the effective date of this Ordinance. Lot of record shall also include parcels of land for which a deed or contract for deed has been recorded in the Office of the Stearns County Recorder prior to the date of this Ordinance, provided that said parcel or parcels were legally created in accord with ordinances in effect at the time the deed or contract was recorded.

Lot Area: The area of a lot in a horizontal plane bounded by the lot lines.

² **Lot, Buildable:** Contiguous land area exclusive of lakes, ponds, creeks, or other waterbodies, wetlands, drainageways, slopes in excess of eighteen (18) percent and rights-of-way. The area shall meet or exceed all requirements within the Land Use Plan and Zoning Ordinance without the necessity of a variance.

Lot, Corner: A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

Lot, Double Frontage: An interior lot having frontage on two streets.

Lot, Frontage: The narrowest lot boundary abutting a public street that meets minimum lot width requirements. If none of the boundaries abutting a public street meet minimum lot width requirements, then the lot frontage is the widest boundary abutting a street.

Lot Improvement: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Lot, Interior: A lot, other than a corner lot, including through or double frontage lots.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line: The property line bounding a lot except that where any portion of a lot extends into the public right-of-way shall be the lot line for applying this Ordinance.

Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public streets, and in the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the Stearns County Recorder.

Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot, Substandard: A lot or parcel of land for which a deed has been recorded in the Office of the Stearns County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

Lot, Through: A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

Lot, Unit: Lots created from the subdivisions of a base lot for two family dwelling, townhome, or manor home dwelling having different minimum lot size requirements than the conventional base lots within the zoning district.

Lot Width: The maximum horizontal distance between the side lot lines of a lot measured within the first thirty (30) feet of the lot depth. The lot width shall determine the required street frontage and shoreline frontage for lots.

M. **Manufactured Home (Mobile Home):** A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily filed a certification required by the Secretary of State and complies with the standards established under Minnesota Statutes Chapter 327.

Manufactured Home Park: Any site, lot, field, or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park.

Massage Therapy (Therapeutic): The process by which a practitioner applies massage therapy techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well being of the client. The rubbing, stroking, kneading, tapping, positioning, causing movement, and applying touch and pressure to the body. Adjunctive therapies may include (1) application of heat, cold, water, mild abrasives, heliotherapy, topical preparations not classified as prescription drugs, (2) the use of mechanical devices and tools which mimic or enhance manual actions, (3) and instructed self-care and stress management. Massage therapy shall not include techniques traditionally practices by chiropractors.

Medical and Dental Clinics: A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

Metes and Bounds Description: A method of property description by means of their direction and distance from an easily identifiable point.

Minerals: Soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.

Mining: All or part of the process involved in the extraction of minerals by removing the overburden and extracting directly from the mineral deposits thereby exposed.

Model Home: A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

Motel (Motor Hotel): A building or group of detached, semi-detached or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

Motor Freight Terminal: A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

Motor Fuel Station: Any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils or lubricants. When the use is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

N. **Natural Drainage System:** All land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.

Non-Conforming Structure, Use, or Lot, Illegal: A building, structure, premises, or use illegally established prior to the adoption of this Ordinance or any amendment thereto which does not now conform with the applicable conditions or provisions of this Ordinance for the district in which the structure or use is located.

Non-Conforming Structure, Use, or Lot, Legal: A building, structure, premises, or use lawfully established prior to the adoption of this Ordinance or any amendment thereto which does not now conform with the applicable conditions or provisions of this Ordinance for the district in which the structure or use is located.

Nursery, Landscape: A business involving the growing and selling of trees, flowering and decorative plants, and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.

O. **Occupancy:** The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

Open Sales Lot (Exterior Storage): Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.

Open Space: Any open area not covered by structures, including but not limited to the following uses: required or established yard areas, parking areas, sidewalks, school walks, trails, recreation areas, waterbodies, shorelands, watercourses, wetlands, ground water recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.

Open Space, Usable: A required ground area or terraced area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purposes. Roofs, driveways and parking areas shall not constitute usable open space.

Outlot: A parcel of land, included in a plat, which is smaller than the minimum size permitted for lots and which is thereby declared unbuildable until combined through platting with additional land; or, a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting prior to development; or a parcel of land which is included in a plat and which is designated for public or private open space, right-of-way, utilities or other similar purposes.

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

P. **Parcel:** An individual lot or tract of land.

Park, Private: A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.

Park, Public: A tract of land publicly owned and used by the public for active and/or passive recreational purposes. Trailways themselves shall not constitute a public park.

Parking Space (Off-Street): A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store a standard automobile.

Party Wall: A common wall which divides two (2) independent structures by a fire wall.

Patio: A level, surfaced area directly adjacent to a principal building at or within three (3) feet of the finished grade, without a permanent roof which is intended for outdoor lounging, dining and the like.

Performance Standard: Criterion established for, but not limited to, setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage, off-street parking, and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in use of land or buildings.

Permitted Use: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

Person: Any individual or legal entity.

Planned Unit Development: A zoning designation which allows a mixing of buildings and uses which cannot be otherwise addressed under this section, and/or whereby internal site design standard deviations from this section may be allowed to improve site design and operation.

Planning Commission: The St. Augusta Planning Commission.

Play and Recreational Facilities: Equipment customary and incidental to the principal use of the site intended for the enjoyment and convenience of the residents of the principal use and their occasional guests. Such facilities include swing sets, play sculptures, sand boxes, picnic tables, basketball standards, tennis courts, barbecue grills, patios and accessory furniture, and the like.

Pole Building: Any structure possessing the following characteristics: structural wood poles or timbers buried in ground on individual footings, metal wall coverings hung vertically of less than twenty-eight (28) gauge; or any structure constructed using post-frame design. Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utilities, or any similar structure not covering or enclosing a specific area.

Premises: A lot or plot with the required front, side and rear yards for a dwelling, structure, or other use as allowed under this Ordinance.

Principal Building: The primary building on a lot.

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

Property Line: The legal boundaries of a parcel of property which may also coincide with a right-of-way lines of a street, cartway, and the like.

Protective Covenant: A contract in readable form entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

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

Public Uses: Uses owned or operated by municipal school districts, county, state, or other governmental units.

Public Utility: Any person, firm, corporation, municipal department or board fully authorized and furnishing under municipal regulation to the public electricity, gas, steam, communication services, cable television, telegraph services, transportation, water or the like.

Publication: Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic.

Q. No Definitions.

R. **Recreation, Commercial:** A business directed toward the general public, not requiring membership, that offers recreational entertainment such as amusement centers, bowling alleys, billiard halls, miniature golf, movie theaters, ballrooms, and the like.

Recreational Camping Vehicle (Travel Trailer/Motor Home): Any vehicle or structure which meets all of the following qualifications:

1. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses.
2. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
3. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

4. Any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Recreational Equipment: Non-vehicular materials used primarily for recreation and leisure time activities and purposes, including ice fishing houses.

Recreational Field, Structure or Building: An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, or gymnasium is a recreation field or building for the purpose of this Ordinance.

Recreational Vehicle: A self-propelled vehicle which is used primarily for recreation and leisure time activities and purposes including, but not limited to, classic cars, cars used for racing, bicycles, motor boats, sailboats, and recreational camping vehicles.

Recyclable Materials: Materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, metals, automobile oil, batteries and other specifically allowed items. Refuse derived material or other material that is destroyed by incineration is not a recyclable material.

Refuse: Waste products which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain or vegetables; offal, animal excreta, or the carcass of animals; tree or shrub trimmings, or grass clippings; brick, plaster, wood, metal, roofing materials, pipe or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, used containers, boxes and packing materials, junk vehicles, ashes, tires, junk, Christmas trees, rocks, sod, dirt, glass, jars, bottles, auto parts, cement brick, leaves, burn barrels, household appliances, furniture, toys, floor coverings, fabric, drain oil, solvents and fluids, or other such substances which may become a nuisance.

Registered Land Survey: A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes 508.47 as amended.

Religious Institution: A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is

maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Residential Facility, State Licensed: Any facility licensed by the Minnesota Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons with twenty-four (24) hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to: state institutions under the control of the Commissioner of Public Welfare, foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

Residential Shelter: A supervised facility providing short-term housing, food, and protection for individuals, not including residential care facilities, community correctional facilities, day care facilities, hotels, motels, or nursing homes.

Restaurant (Not drive in, convenience or drive through type): An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

Restaurant, Convenience (Fast) Food: An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

Restaurant, Delivery or Take Out: An establishment which by design of physical facilities, service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods to either be picked up or delivered for off-premise consumption.

Restaurant, Drive In (not drive through type): Any place or premises used for sale, dispensing or serving of food, refreshments or beverages on the premises, typically eaten in the customers vehicle on the site.

Right-Of-Way: Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses.

Roof Line: The top of coping; or, when the building has a pitched roof, as the intersection of the outside wall with the roof.

S. **Scenic River Related:**

SEE ATTACHED APPENDIX D

School: A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota, and not providing residential accommodations.

School, Private: Any building or group of buildings, not operated by a public agency or unit of government, the use of which meets compulsory education laws of the State of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education and which use does not secure the major part of its funding directly from any governmental source.

School, Public: Any building or group of buildings, the use of which meets compulsory education laws of the State of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education and which secures all or the major part of its funding from governmental sources and is operated by a public agency or governmental unit.

Secondary Use: A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.

Semi-Public Use: Uses owned by private or private non-profit organizations which are open to some, but not all, of the public.

Setback: The minimum horizontal distance between a structure and the property line nearest thereto; within shoreland districts it shall also mean the minimum horizontal distance between a structure or a sewage treatment system and the ordinary high water level. For purposes of earth shelter buildings only, above grade portions shall be used in determining setback requirements. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided hereinafter.

Sewage: A combination of water carried or dewatered wastes from residences, businesses, institutions, industrial establishments or from any other source, including transported wastes or sludge from treatment plants and/or industrial establishments, regardless whether the point of origin of said wastes or sludge is within or outside St. Augusta.

Sewage Treatment Systems, Private: On-site means for disposing and treating human and domestic waste such as a septic tank and soil absorption system or other system allowed by State, County and City regulations; used where authorized by the City when access to a municipal sewer system is not required or feasible.

Sexually Oriented Activities, Related Terms:

1. Sexually Oriented Uses: Uses which include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage

parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, 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. Activities classified as "obscene" as defined by Minnesota Statutes, Section 617.241 are not included.

a. Specified Anatomical Area: Human genitals in a state of sexual arousal.

b. Specified Sexual Activities: Includes any of the following:

1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3) Masturbation, actual or simulated; or

4) Excretory functions as part of or in connection with any of the activities set forth in sub-section 2.a through 2.c above.

2. Sexually Oriented Uses, Accessory: The offering of retail goods for sale which are classified as sexually oriented uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties, and the like.

3. Sexually Oriented Uses, Principal: The offering of goods and/or services which are classified as sexually oriented uses as a primary or sole activity of a business or establishment and include but are not limited to the following:

a. Escort: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

- b. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.
- c. Establishment: Means and includes any of the following:
 - 1) The opening or commencement of any sexually oriented business as a new business;
 - 2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - 3) The addition of any sexually oriented business to any other existing sexually oriented business; or
 - 4) The relocation of any sexually oriented business.
- d. Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical area" is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- e. Nudity or State of Nudity: Nudity or state of nudity is described as follows:
 - 1) The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or
 - 2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.
- f. Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- g. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - 1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

h. Sexually Oriented Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

i. Sexually Oriented Bookstore, Sexually Oriented Video Store, or Sexually Oriented Store: A commercial establishment which as a principal business purpose offers for sale or rental for any form of consideration any one or more of the following:

1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, compact discs, computer software, digital recordings, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

j. Sexually Oriented Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1) Persons who appear in a state of nudity; or

2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

3) Films, motion pictures, video cassettes, slides, compact discs, computer software, digital recordings or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

k. Sexually Oriented Conversation/Rap Parlor: A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or

discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

l. Sexually Oriented Massage Parlor: A massage parlor which excludes minors by reason of age, or which provides for any form of consideration, the rubbing, stroking, kneading, tapping, or rolling of the body, if the service provided by the massage parlor is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

m. Sexually Oriented Motel: A hotel, motel or similar commercial establishment which:

1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexually activities" or "specified anatomical areas" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

n. Sexually Oriented Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

o. Sexually Oriented Sauna: A sauna which excludes minors by reason of age, or which provides for any form of consideration, a steam bath or heated bathing room used for the purpose of bathing, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

p. Sexually Oriented Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons

who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Shopping Center: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shoreland Related:

1. **Bluff:** A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- a. Part or all of the feature is located in a shoreland area.
- b. The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody.
- c. 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 thirty (30) percent or greater.
- d. The slope must drain toward the waterbody.

An area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff.

2. **Bluff Impact Zone:** A bluff and land located within twenty (20) feet from the top of a bluff.

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

4. **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.

5. **Commissioner:** The Commissioner of the Department of Natural Resources.

6. **Deck:** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.

7. Dwelling Site: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
8. Extractive Use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
9. Forest Land Conversion: The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.
10. Guest Cottage: A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
11. Intensive Vegetation Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
12. Non-Conformity: The same as that term is defined or described in Minnesota Statutes, Chapter 394.
13. 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.
14. Public Waters: Any waters as defined in Minnesota Statutes, Section 105.37, subdivisions 14 and 15. However, no lake, pond, or flowage of less than ten (10) acres in size in municipalities and twenty-five (25) acres in size in unincorporated areas need be regulated for the purposes of parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from parts 6120.2500 to 6120.3900. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.
15. Sensitive Resource Management: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility of flooding, or occurrence of flora or fauna in need of special protection.

16. **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 structure setback.
17. **Shoreland:** Land located within the following distances from public water: one thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.
18. **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.
19. **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 these regulations. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
20. **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.
21. **Toe of the Bluff:** The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
22. **Top of the Bluff:** The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
23. **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.

Sign Related:

1. Address Sign: A sign communicating only a street address.
2. Advertising Sign: Any permanent non-governmental sign advertising products, services, commodities, entertainment or other activity not offered at the location of the sign or not exclusively related to the premises on which the sign is located.
3. Alteration: Any change to a sign excluding routine maintenance, repair, painting or change of copy of any existing sign.
4. Area Identification Sign: A freestanding sign identifying the name of a single family residential subdivision consisting of twenty (20) or more lots; a residential planned unit development; a multiple residential complex consisting of three (3) or more structures; an office or business structure or development containing three (3) or more independent operations; a single business consisting of three (3) or more separate structures; a manufactured home court; or any integrated combination of the above.
5. Artificial Light: Illumination resulting from internal or external artificial light sources, including glare and reflected light byproducts of artificial light sources.
6. Awning, Canopy or Marquee Sign: A written or graphic message, identification or advertisement, as part of or permanently or semi-permanently affixed to an awning, canopy, marquee or other similar device. Where lighting is incorporated with the awning, canopy or marquee, the apparatus shall not be construed as a sign exclusive of the area physically designed to form the message, identification or advertisement thereto.
7. Banners: Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.
8. Billboard: An off-site sign used to advertise products, goods, or services not exclusively related to the premise on which the sign is located. An advertising sign.

9. **Building Facade:** That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
10. **Business Sign:** Any sign which identifies a specific business, either retail, wholesale, or industrial, or which identifies a profession and is located upon the subject property.
11. **Campaign Sign:** A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted on at a governmental election.
12. **Canopy Sign:** See Awning.
13. **Construction Sign:** A sign at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.
14. **Copy:** The wording on a sign surface either permanent or removable letter form.
15. **Crop Demonstration Sign:** A sign identifying agricultural products utilized upon the subject property.
16. **Directional Sign:** A sign erected with the address and/or name only of a business, development project, institution, church or other use or activity plus directional arrows or information on location.
17. **Directory Sign, Private:** An exterior information wall sign, or a free-standing sign identifying the names of residences, businesses or professional offices served by a common public entrance such as an apartment complex, shopping center, or office building.
18. **Directory Sign, Public:** A sign, group of signs on a sign panel or any identifiable object intended to communicate a public message or direction when located on public property as may be approved by the City Council.
19. **Double Sided Sign:** A sign with two faces back to back, or a V-type sign with an angle not exceeding twenty (20) degrees. Only one side of a double sided sign shall be used in computing total surface area.
20. **Farm Identification Sign:** A sign identifying the name and/or type of farming activity practices upon the subject property.
21. **Flashing Sign:** An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color when the sign is illuminated.

22. Freestanding Sign: A self-supported sign not affixed to another structure.
23. Ground or Low Profile Sign: A sign that is intended to be incorporated into some form of landscaping design scheme or planter box, is not elevated from the ground by means of a pole or free-standing support structure, but is placed directly on the ground or on an interior planter base which is incorporated into such a design arrangement.
24. Historical Sign: A sign commemorating places of local, state, or national historical significance.
25. Holiday Sign: Signs or displays which contain or depict a message pertaining to a religious, national, state, or local holiday.
26. Identification Sign: A sign which identifies the business, owner, manager, resident, or address of the premises where the sign is located and which contains no other material.
27. Illuminated Sign: A sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.
28. Informational Sign: Any on-site sign giving information to employees, visitors, or delivery vehicles, but containing no advertising or identification.
29. Institutional Sign: A sign which identifies the name and other characteristics of a public or semi-public institution on the site where the sign is located.
30. Integral Sign: A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure.
31. Marquee: See canopy.
32. Maximum Height of Sign: The vertical distance from the base of the sign, or the grade of the street centerline, whichever is higher, to the top of the sign.
33. Menu Board: A sign containing a food price list for restaurant customers, but containing no advertising or identification.
34. Message Sign: A sign which allows for the graphic and/or verbal content to be changed, when desired, through electronic or manual methods.

35. Monument Sign: A block type sign structure not supported by poles or braces, but rather placed directly on the ground.
36. Motion Sign: Any sign which revolves, rotates, has moving parts, or gives illusion of motion.
37. Non-Profit Organization: A corporation formed under Chapter 317 of Minnesota State Statutes and which is formed for a purpose not involving pecuniary gain to its shareholders, or members and paying no dividends or other pecuniary enumeration, directly or indirectly, to its shareholders or members, or a community or civic group such as the Lion's Club, League of Women Voters, etc.
38. Parapet: A low wall which is located on a roof of a building will be known as a parapet for this Ordinance.
39. Permitted Signs: Signs allowed with or without a permit.
40. Political Sign: A sign used exclusively to call attention to the candidacy of any individual or party for elective office which appears on the official ballot to be voted upon by the citizens of the City.
41. Portable Sign: A sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device or structure. A temporary sign.
42. Principal Frontage: The wall of the principal building on a lot which fronts toward the principal public streets.
43. Prohibited Signs: Signs not allowed in the City.
44. Projecting Sign: A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.
45. Public Entrance: Any passage or opening which affords entry and access to the general public or customer.
46. Public Entrance, Common: A public entrance providing access for the utilization and benefit of two or more tenants or building occupants.
47. Public Signs: Signs on non-commercial nature and in the public interest, erected by, or on the order of a public officer in the performance of his or her public duty.
48. Pylon Sign: A freestanding sign mounted on top of a single post which is greater than ten (10) feet in height.

49. Reader Board: A message sign with an electronic changing message.
50. Real Estate Sign: A business sign placed upon a property advertising that particular property for sale, or for rent or for lease.
51. Real Estate Development Project Sign: A temporary business sign advertising a new subdivision or development.
52. Roof Line: The top of the coping or, when the building has a pitched roof, the intersection of the outside wall with the roof.
53. Roof Sign: A sign erected, constructed or attached wholly or in part upon or over the roof of a building.
54. Rummage Sale Sign: Temporary signs announcing a non-commercial rummage or garage sale.
55. Sign: The use of any words, numerals, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, professional or business and are visible to the general public.
56. Sign Area: The area within the marginal lines of the surface of a sign which bear the advertisement or, in the case of messages, figures or symbols attached directly to a building or sign structure, that area which is included in the smallest rectangle or series of geometric figures used to circumscribe the message, figure or symbol displayed thereon.
57. Sign Structure: The supports, uprights, bracing and framework for a sign including the sign area.
58. Street Frontage: The proximity of a parcel of land to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) or more frontages.
59. Temporary Sign: A sign erected or displayed for a specified period of time.
60. Time and/or Temperature Sign: A sign that displays the current time and/or temperature without advertising material, company name, logo or other identifying marks.
61. Total Allowable Sign Area: The maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated so as to create a surface area in excess of this requirement.

62. **Traffic Sign:** A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.

63. **UL Approved:** A device which has been approved by the "Underwriters' Laboratories (48)", a U.S. non-profit organization which establishes standards for electrical equipment.

64. **Wall Sign:** A sign affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than twelve (12) inches from the surface to which it is attached, nor extend beyond the top of the parapet wall.

65. **Wall Graphics:** A sign painted directly on an exterior wall.

66. **Window Sign:** A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.

Site Plan: A map drawn to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, easements, utilities, landscaping, and walkways, as related to a proposed development.

Sketch Plan: A report in map and text form submitted as the first phase of a Planned Unit Development (PUD) proposal, depicting the location, general purpose, general type of land use and circulation patterns, primary relationships between site elements and between the proposed development and surrounding development, proposed general schedule of development, and information on the applicant.

Slope: The degree of deviation of a surface from the horizontal, usually, expressed in percent of degrees.

Storage, Outside (Exterior): Exterior depository, stockpiling, or safekeeping of materials, products, vehicles, trailers and the like. Outside storage may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outside storage; or outside storage may involve fencing or screening without a roof in which case fencing or screening shall be deemed outside storage. Parking lots do not qualify for outside storage. Outside storage does not involve any product representation or signage except for those emergency or safety related signs specifically approved by the City. Vending machines accessory to allowable uses do not constitute outside storage. The parking or storage of vehicles, equipment, and merchandise for a period of less than seventy-two (72) hours does not constitute outside storage.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.

Street: A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through way, street, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

Street, Arterial - Minor: Streets defined as such and mapped accordingly within the City's duly adopted Comprehensive Plan

Street, Arterial - Principal: Streets defined as such and mapped accordingly within the City's duly adopted Comprehensive Plan.

Street, Collector: Streets defined as such and mapped accordingly within the City's duly adopted Comprehensive Plan.

Street, Local: Streets defined as such and mapped accordingly within the City's duly adopted Comprehensive Plan.

Street Width: The shortest distance between the lines delineating the right-of-way of a street.

Structural Alteration: Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

Structure: Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other things, structures include but are not limited to buildings, gazebos, decks, retaining walls, walls, fences over six (6) feet in height, and swimming pools, but excluding patios and similar at-grade improvements.

Structure, Public: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned or rented, and operated by a federal, state, or local government agency.

Subdivision: The separation of an area, parcel, or tract of land under single ownership into two (2) or more parcels, tracts, lots, or long term leasehold interests where the division necessitates the creation of streets for residential, commercial, industrial, or other use or any combination thereof, except those separations:

1. Where all the resulting parcels, tracts, lots, or interests shall be twenty (20) acres or larger in size and five hundred (500) feet in width for

residential uses and five (5) acres or larger in size for commercial and industrial uses.

2. Creating cemetery lots.
3. Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Surveyor: A land surveyor registered under Minnesota State laws.

Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above ground and on-ground swimming pools; hot tubs; portable and non-portable spas; and fixed-in-place wading pools.

- T. **Tillable Land:** Any land capable of producing small grains, row crops or may with normal tillage practices, woodland excluded.

Tower: Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

Tower, Temporary Mobile: Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, which is commonly referred to as cellular on wheels (COW).

Tree, Significant: Trees which are healthy, measure a minimum of eight (8) inches in diameter at a distance of fifty-four (54) inches above ground, and are a minimum of four (4) inches in diameter for conifers.

- U. **Use:** The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained.

Use, Substandard: A legal use existing prior to the enactment of the St. Augusta Zoning Ordinance which is permitted or conditional use within the applicable zoning district but does not meet the minimum lot area, water frontage, structure setbacks, or other dimensional standards.

- V. **Variance:** A modification of or variation from the strict provisions of this Ordinance consistent with the state enabling statute for municipalities, as applied to a specific piece of property, in order to provide relief for a property owner because of undue hardship or peculiar difficulty imposed upon him by this Ordinance, except that modification in the allowable uses within a district shall not be considered a variance. Variances shall normally be limited to height, bulk, density, and yard requirements.

Veterinary Clinic: Those uses concerned with the diagnosis, treatment, and medical care of animals including animal or pet hospitals.

W. **Warehousing:** The storage of materials or equipment within an enclosed building.

Waste Facility: All property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing, disposal, transfer and/or storage of hazardous and/or solid wastes, except property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer and storage stations, processing facilities, and disposal sites and facilities. Waste facility does not include drop off centers which are accessory to allowable uses and which are operated by a governmental unit, civic organization or similar non-profit group expressly for the collection of recyclable waste including paper, clean glass and metal containers, yard waste for composting, and other eligible household wastes from individuals.

Waste, Hazardous: Any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives.

Waste, Solid: Any garbage, refuse, rubbish, and other discarded solid materials, except animal waste used for 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, solids 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.

Waterbody: A body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basis holds water and is surrounded by land.

Watershed: The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

Wetland Related:

SEE ATTACHED APPENDIX B

Wind Energy Conversion System (WECS): Any device that is designed to convert wind power to another form of energy such as electricity or heat (also referred to by such common names of wind charger, wind turbine, and windmill).

Wholesaling: The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

X. No definitions.

Y. **Yard:** Any space on the same lot with a building, open and unobstructed from the ground to the sky.

Yard, Front: The area extending across the width of the front lot line between the side yard lines and from the front lot line to the nearest line of the principal building in depth.

Yard, Rear: An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

Yard, Required: The open space between a lot line and the buildable area within which no structure may be located except as provided by this Ordinance.

Yard, Side: An open unoccupied space on a lot between the main building and the side line of the lot, extending from the front of the lot to the rear of the lot.

Z. **Zoning Administrator:** The duly appointed officer charged with the administration and enforcement of this Ordinance.

Zoning Amendment: A change authorized by the City, either in the allowed use within a district or in the boundaries of the district.

Zoning District: An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Ordinance.

Zoning District Overlay: A zoning district containing regulations superimposed upon other zoning district regulations and where the more restrictive district use regulations shall apply.

Zoning District Underlying (Base): All zoning districts except overlay zoning districts.

Zoning Map: The map or maps incorporated into this Ordinance as part thereof, designating the zoning districts.