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## Section 1 - Title And Application

### Subdivision

- 1.01 Title
- 1.02 Intent and Purpose
- 1.03 Relation to Comprehensive Plan
- 1.04 Standard Requirements
- 1.05 Uses Not Provided for Within Zoning Districts
- 1.06 Monuments
- 1.07 Separability
- 1.08 Authority
- 1.09 Comprehensive Revision

#### 1.01 TITLE

This Ordinance shall be known, cited, and referred to as the St. Augusta City Zoning Ordinance, except as referred to herein, where it shall be known as “this Ordinance.”

#### 1.02 INTENT AND PURPOSE

This is an ordinance regulating the use of land in St. Augusta, including the regulation of the location, size, use, and height of buildings, the arrangement of buildings on lots, and the density of population for the purpose of:

- A. Protecting public health, safety, order, convenience, and general welfare.
- B. Promoting orderly development and redevelopment of residential, commercial, industrial, recreational, and public areas.
- C. Conserving the natural and scenic beauty and attractiveness of the community.
- D. Conserving, protecting, and developing natural resources.
- E. Providing for the compatibility of different land uses and the most appropriate land use throughout the community.
- F. Preserving agricultural areas.
- G. Promoting orderly development of the community to provide adequate levels of service in public safety, utilities, service, transportation, and administration in a financially responsible manner.

#### 1.03 RELATION TO COMPREHENSIVE PLAN

It is the policy of St. Augusta that the enforcement, amendment, and administration of this Ordinance be accomplished with consideration of the recommendations contained in the City Comprehensive Plan as developed and amended from time to time by recommendation of the Planning Commission and approval by the City Council of the City. The City Council recognizes the City Comprehensive Plan as the policy to regulate land use and development in accordance with the policies and purpose herein set forth.

#### 1.04 STANDARD REQUIREMENTS

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for promoting public health, safety, and welfare.

- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations that are more restrictive or impose higher standards or requirements shall prevail.
- C. Except as herein provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner that does not conform with this Ordinance.
- D. Except as herein provided, no building, structure, or premises shall hereafter be used or occupied, and no building permit shall be granted that does not conform to the requirements of this Ordinance.
- E. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- F. This Ordinance is not intended to abrogate any easement, restrictions, or covenants relating to the use of land or imposed on lands within the City by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

#### 1.05 SEPARABILITY

Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

#### 1.06 AUTHORITY

This Ordinance is enacted pursuant to the authority granted by Minnesota Statutes 462.351 to 462.363.

#### 1.07 COMPREHENSIVE REVISION

The City Council intends this Ordinance to be a comprehensive revision to Ordinance No. 83-1 and all other ordinances inconsistent with this Ordinance, as amended. Any act done, offense committed, or rights accruing or accrued, or liability, penalty incurred, or imposed prior to the effective date of this Ordinance is not affected by its enactment.

## 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 is the present.
- C. The word “shall” is mandatory, and “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 Structure or Use:** A subordinate building or use located on the same lot as the principal building or use and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

**Accessory Dwelling Unit:** A smaller, independent residential dwelling unit located on the same lot as a stand-alone dwelling unit, such as a single-family home, can also be part of the stand-alone building

**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 include but are 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.

**Agrotourism:** Any activity incidental to the operation of a farm that brings members of the public to the farm for educational, recreational, or retail purposes.

**Animals:**

1. Domestic Animals. House pets such as dogs, cats, and birds that are 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 that 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 to transmit and/or reception point-to-point UHF or VHF radio waves in wireless telephone communications, including its supporting structure.

**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, including its support structure.

**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 solid reflective surface, 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 is 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, including the supporting structure thereof.

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

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

**Automobile Accessory Store:** A business wherein essential and unessential automobile components are sold to the general public.

**Automobile and Truck Repair, Major and Minor:** 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. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts, and motor services to passenger automobiles and trucks.

**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 temporary roof-like cover that projects from the wall of a building to shield a doorway or window from the elements.

**B.**

**Bakery, Wholesale:** An industrial-scale production facility for baked edible food products for sellers.

**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.

**Blasting.** The practice or occupation of removing, by means of explosives, any mass, especially rocks, buildings, etc.

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

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

1. Part or all of the feature is located in a shoreland area.
2. The slope rises at least twenty-five (25) feet above the waterbody's ordinary high-water level.
3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages thirty (30) percent or greater.
4. The slope must drain toward the water body.

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.

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

**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.

**Boathouse:** A structure designed and used solely for storing boats or boating equipment.

**Buffer:** The use of land, topography, the 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 this Ordinance's minimum setback and open space requirements have been met.

**Building:** Any structure having a roof that 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 of the following, whichever yields a the greater height of the 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 the 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 the lowest grade. The height of a stepped or terraced building is the maximum height of any building segment.

**Building-integrated Solar Energy System.** "Building-integrated Solar Energy System" shall mean a Solar Energy System that is an integral part of a principal or accessory building rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings.

**Building-mounted, Roof Mounted Solar Energy System.** "Building-mounted Solar Energy System" shall mean a Solar Energy System affixed to a principal or accessory building " Roof Mounted solar Energy Systems shall mean a Solar Energy System affixed to the roof of a principal or accessory 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 at 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) of 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 in which merchandise is exhibited or sold or where services are offered for compensation.

**C.**

**Canopy:** An accessory roof-like structure that is either attached to or detached from an allowable primary building, which is open on all sides except 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 columbarium, 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 continuously or periodically confine and conduct water.



**Church:** A building and uses where persons regularly assemble for religious worship and which building and uses are 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 bona fide members paying annual dues, with the premises restricted to members and their guests.

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

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

**Community Center:** A building, 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 Solar Energy System** (also called a "Solar Garden"). "Community Solar Energy System" shall mean a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the solar energy system's location under the provisions of Minn. Statutes 216B.1641 or a successor statute.

**Community Water and Sewer System:** Utility systems serve a group of buildings, lots, or any community area. The community and the State of Minnesota approve the design and construction of such utility systems.

**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, and 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, 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 that 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 regularly, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Daycare facilities include but are not limited to family day care homes, group family day

care homes, daycare centers, day nurseries, daytime 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). The outside display of merchandise may be temporary or permanent, depending upon the conditions of the permit issued pursuant to this Ordinance.

**Distribution Center:** An area greater than fifty thousand (50,000) square feet 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 changes the accustomed course of all or part of a stream.

**Draining:** The removal of surface water or groundwater 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 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, not including hotels, motels, boarding houses, or manufactured housing.

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

1. Attached. A dwelling that is joined to another at one or more sides by a party wall.
2. Detached. A dwelling unit is 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.

**Dwelling Site:** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

**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 the 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.

**Entertainment Venues:** Any use or business that provides entertainment services within the community, including but not limited to movie theaters, conference centers, reception halls, amusement centers, etc.

**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, and lift stations. Essential service structures shall not include transmission/ reception antennas.

**Excavation:** The mechanical removal of earth material below finish grade 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.

**Explosive:** Any chemical or other substance intended for the purpose of producing an explosion or that contains oxidizing or combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion, or by detonation may produce an explosion capable of causing injury to persons or property damage. The term "explosive" includes,

but is not limited to, the following: black powder (all varieties), dry gun cotton, nitroglycerine, dynamite, chlorates, fulminates, all sensitized ammonium nitrate compositions, and any other of their compounds or mixtures, smokeless powder, wet gun cotton, and wet nitrostarch.

**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 that is functionally equivalent to a family. The relationship must be permanent and distinct, with a demonstrable and recognizable bond that is characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization, 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 that is principally used for agricultural activities such as the production of cash crops, livestock, or poultry farming. Such a farm may include agricultural dwellings and buildings and structures necessary for the operation of the farm.

**Farm - Hobby:** A tract of land generally consisting of ten (10) or fewer 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 permit issuance date or when manure is not used as a domestic fertilizer. This permit shall contain such conditions and requirements as the agency deems necessary to ensure compliance with applicable state rules.
2. **Animal Unit (AU):** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced regularly 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, the livestock operation does not create or maintain a potential pollution hazard, or that 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 number of animal units confined at an unpermitted 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 MPCA commissioner's duties are defined in Minnesota Statutes, Section 116.03, as amended.
6. Corrective or Protective Measures: A practice, structure, condition, or combination thereof that 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.

**As Approved November 12, 2024**

8. Drainage Ditch: A natural or constructed open channel that is shaped or graded for the stable conveyance of stormwater 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 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 preexisting animal feedlot has been abandoned or unused for five (5) years or more.
12. Feedlot Operator: An individual, a corporation, a group of individuals, a partnership, a joint venture, an 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 that 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. Depending on their design, lagoons can be aerobic, anaerobic, or facultative. An anaerobic lagoon differs from an earthen storage basin in that it is managed for manure treatment. Anaerobic lagoons are only partially emptied yearly, whereas earthen storage basins are emptied once or twice a year.
15. Manure, Animal: Livestock and poultry's fecal and urinary excretions. Manure can include bedding material and water used for livestock. Types of manure have descriptive names such as liquid, slurry, and solid. Manure, with a moisture content of more than ninety-six (96) percent, is liquid. Manure with a moisture content between ninety (90) and ninety-six (96) percent is called 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 manure storage for these parts.

17. National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued by the MPCA to regulate the discharge of pollutants from point sources, including concentrated animal feeding operations, and issued to large facilities (one thousand (1,000) animal units or more) that have the potential to discharge pollutants to the state's waters.
18. Cropland and Pastures: Areas of land over 10 acres where grass or other growing plants are used for grazing and where the concentration of animals is such that vegetation cover is maintained during the growing season except near 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 over 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 groundwater or violate any applicable state rules.

**Fence:** 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 of vegetation materials.

**Fence height:** 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 to elevate a site's grade.

**Filling:** The act of depositing rock, soil, gravel, sand, or other material to fill a water body, watercourse, or wetland.

**Flood Related:**

1. Equal Degree of Encroachment: A method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream is 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 inundates the areas adjacent to the channel.
4. Flood Frequency: The average frequency, statistically determined, for which a specific flood stage or discharge is expected to be equaled or exceeded.
5. Flood Fringe: The portion of the floodplain outside the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the city's Flood Insurance Study.
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 Federal Emergency Management Agency prepared the Flood Insurance Study for the City 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 that has been or may be covered by the 100-year flood, as determined by using 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 to reduce or eliminate 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 that are reasonably required to carry and discharge the regional flood, as determined by using 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 that 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 for a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two (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 using 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. This is the elevation to which uses regulated by this Section are required to be elevated or flood-protected.

**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 a basement floor area other than the area devoted to retailing activities, the production or processing of goods, or 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.

**Forest Land Conversion:** The clear-cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stand.

**Frontage:** That boundary of a lot that 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 a 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).

**Gas Station:** Land and buildings used to supply motor vehicles with petroleum-based fuel products.

**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.

**Greenhouses:** Buildings used for the indoor cultivation of plants and flora.

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

**Grocery, Supermarket:** A retail establishment with a gross floor area of seven thousand five hundred (7,500) square feet or greater that sells 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.

**Ground-mounted Solar Energy System:** "Ground-mounted Solar Energy System" shall mean a Solar Energy System affixed to the ground.

**Group Care Facility:** A facility that provides resident services to seven (7) or more individuals, one or more unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. The category includes uses such as homes for those with physical or mental handicaps, chemical dependency, foster children, maternity homes, and housing for formerly incarcerated individuals.

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

**Guest Cottage:** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to, kitchen and bathroom facilities, and those provided in the primary dwelling unit on a lot.

**H.**

**Hardship:** A situation where the 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.

**Haul Road:** An internal private road used to transport material.

**Haul Route:** An external public road used to transport material.

**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 that 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 that 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 solely by the dwelling occupant for conducting affairs of a recognized business, profession, or service and which does not involve the on-site sale of products or client/patron site visits.

**Hotel:** A building that 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 and most conventionally surfaced streets, roofs, sidewalks, parking lots, and other structures.

**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 designed to produce combustion for a lawful purpose, including but not limited to matches, lighters, flares, or devices commercially manufactured primarily for illumination, heating, or cooking. The term does not include firearms ammunition.

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

**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, as well as 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 providing 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, before the effective date of this Ordinance. A lot of records 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 before 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.

**Lot, Buildable:** Contiguous land area exclusive of lakes, ponds, creeks, or other water bodies, wetlands, drainage ways, 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 two or more intersecting streets or a lot at the point of deflection in alignment with 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 it is situated that constitutes 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 and rear lot lines of a lot.

**Lot Line:** The property line bounding a lot, except 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:** The boundary of a lot that abuts an existing or dedicated public street, 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 that 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 that 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 before 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 that has a pair of opposite lot lines abutting two substantially parallel streets and is not a corner lot. For applying this Ordinance on a through lot, both street lines shall be front lot lines.

**Lot, Unit:** Lots created from the subdivisions of a base lot for a two-family dwelling, townhome, or manor home dwelling with 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 a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily 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. It includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the park's equipment.

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

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

**Metes and Bounds Description:** This method describes properties by means of their direction and distance from an easily identifiable point.

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

**Mineral Extraction:** Extraction of inorganic materials such as ore, gravel, or sand.

**Mining:** is all or part of the process of extracting minerals by removing the overburden and extracting directly from the mineral deposits thereby exposed.

**Mining, accessory use:** Uses customarily incidental to mining located on the same site, such as stockpiling, sorting, screening, washing, crushing, batching, and related maintenance facilities.

**Mixed-Use Building:** A building constructed or converted to contain commercial and residential uses on the same parcel of land.

**Model Home:** A home similar to others in a development that is open to public inspection to sell the other homes.

**Motel (Motor Hotel):** A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with a 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 where 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-Conformity:** The same as that term is defined or described in Minnesota Statutes, Chapter 394.

**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 distinct 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, which may be conducted within or without a building for 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 goods, materials, or merchandise and for storing them under the open sky before 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, groundwater 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 that is graded, developed, landscaped 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 recreational purposes. Roofs, driveways, and parking areas shall not constitute usable open space.

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

**Outlot:** A 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 before 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 with a 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 that divides two (2) independent structures by a firewall.

**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:** A criterion established for, but not limited to, setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage, and 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 the 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, legal entity, or place of worship.

**Planned Unit Development:** A zoning designation that 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, sandboxes, picnic tables, basketball standards, tennis courts, barbecue grills, patio accessory furniture, etc.

**Pole Building:** Any structure possessing the following characteristics: structural wood poles or timbers buried in the 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.

**Practical Difficulty:** the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner

**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 permitted, interim, or conditional.

**Private Open Space:** Areas that are part of a private property, intended for the use of the occupants or owners of that property. These spaces are maintained by the property owner or occupant and are designed to provide privacy and personal outdoor space for residents.

**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 Open Space:** Areas designated for use by the general public. Public open space is owned, managed, or maintained by a government entity or public agency and is accessible to all individuals regardless of property ownership.

**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 electricity, gas, steam, communication services, cable television, telegraph services, transportation, water, or the like to the public under municipal regulation.

**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, who shall officially determine the size and physical limits of drainage areas of rivers and streams.

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

**Q. No Definitions**

**R.**

**Reclamation/End Use.** The process of creating useful landscapes that meet a variety of goals. It includes all aspects of this work, including material placement, stabilizing, capping, regrading, and placing cover soils, revegetation, and maintenance.

**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, recreation, and vacation purposes.
2. Any structure designed to be mounted on a truck chassis 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, including ice fishing houses, are used primarily for recreation and leisure activities and purposes.

**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. 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 that 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 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 recyclable.

**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 the 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 that 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 uses, 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:** 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 that 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 that 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 that permits or encourages the purchase of prepared, ready-to-eat foods to be picked up or delivered for off-premise consumption by design of physical facilities, service, or packaging procedures.

**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 customer's vehicle on the site.

**Retail Store/Service:** Any use where products are sold or personal services are offered to purchasers in the public, such as but not limited to,

**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.**

**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 does not provide 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 a building or a portion thereof that 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 open to some, but not all, of the public.

**Sensitive Resource Management:** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility of flooding, or occurrence of flora or fauna in need of special protection.

**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 any other source, including transported wastes or sludge from treatment plants and/or industrial establishments, regardless of 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:
    - i. The fondling or other erotic touching of human genitals pubic region, buttocks, anus, or female breasts;
    - ii. Sex acts, normal or perverted, actual, or simulated, including intercourse, oral copulation, or sodomy;
    - iii. Masturbation, actual or simulated; or
    - iv. 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 model lingerie privately or to perform a striptease for another person privately.

- 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:
  - i. The opening or commencement of any sexually oriented business as a new business;
  - ii. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - iii. The addition of any sexually oriented business to any other existing sexually oriented business; or
  - iv. 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:
  - i. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or
  - ii. 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. 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".
- h. 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:
  - i. 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
  - ii. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."
- i. Sexually Oriented Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
  - i. Persons who appear in a state of nudity or



- ii. Live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities” or
  - iii. 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.”
- j. Sexually Oriented Conversation/Rap Parlor: A conversation/rap parlor that excludes minors because of age or which provides the service of engaging in or listening to the 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.”
- k. Sexually Oriented Massage Parlor: A massage parlor that excludes minors because 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.”
- l. Sexually Oriented Motel: A hotel, motel, or similar commercial establishment which:
  - i. 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 that are characterized by the depiction or description of “specified sexual 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
  - ii. Offers a sleeping room for rent for a period of time that is less than ten (10) hours or
  - iii. 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.
- m. 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.”
- n. Sexually Oriented Sauna: A sauna that excludes minors because of age or which provides for any form of consideration, a steam bath or heated bathing room used for 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.”
- o. 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.”

**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.

**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.

**Short-Term Rental:** – Any dwelling unit represented to the public as a place where sleeping accommodations are furnished nightly or weekly for compensation for a period of one to thirty days.

**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.

**Sign Related:**

1. **Abandoned Sign:** Any sign and/or its supporting sign structure that remains without a message or whose display surface remains blank for one year or more, or any sign that pertains to a time, event or purpose that no longer applies. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business is not deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure is also deemed to be abandoned.
2. **Address Sign:** A sign communicating only a street address.
3. **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. Billboards are a form of advertising sign.
4. **Alteration:** Any change to a sign excluding routine maintenance, repair, painting or change of copy of any existing sign.
5. **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 an integrated combination of the above.
6. **Artificial Light:** Illumination resulting from internal or external artificial light sources, including glare, and reflected light byproducts of artificial light sources.

7. Awning: A roof-like cover, often of fabric, plastic, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and that projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning that also projects over a door is counted as an awning.
8. Balloon sign: A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air that is greater than 24 inches in diameter.
9. Banners: Attention-getting devices that resemble flags and are of a paper, cloth, or plastic-like consistency.
10. 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.
11. 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.
12. Business Sign: Any sign that identifies a specific business, either retail, wholesale, or industrial, or which identifies a profession and is located upon the subject property.
13. Cabinet sign: Any wall sign that is not of channel or individually mounted letter construction
14. 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.
15. Canopy: A roof-like cover, often of fabric, plastic, metal, or glass on a support, that provides shelter over a doorway.
16. Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.
17. Commercial Speech: Speech advertising a business, profession, commodity, service, or entertainment.
18. Construction Sign: A sign at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.
19. Copy: The wording on a sign surface either permanent or removable letter form.
20. Crop Demonstration Sign: A sign identifying agricultural products utilized upon the subject property.
21. 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.
22. 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.
23. 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.
24. 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 the total surface area.
25. Drive-through Sign: A sign on the site of an allowed drive-through use.

26. Dwell Time: The duration or interval of time during which each individual advertisement or message is displayed on any dynamic sign.
27. Dynamic Sign: Any element of a sign or sign structure capable of displaying words, symbols, figures, images, or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input or any other method or technology that allows a sign to present a series of images, messages or displays.
28. Electronic Graphic Display Sign: A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fading, re-pixelation, or dissolve modes. Electronic Graphic Display Signs include computer-programmable, microprocessor-controlled electronic or digital displays.
29. Elevation: The view of the side, front, or rear of a given structure. Elevation area. The area of all walls that face any lot line.
30. Erect: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.
31. Farm Identification Sign: A sign identifying the name and/or type of farming activity practices upon the subject property.
32. Flag: Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, to allow movement of the material by atmospheric changes and that contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.
33. Flashing sign: A directly or indirectly illuminated sign that exhibits changing light or color effect by any means, to provide intermittent illumination that includes the illusion of intermittent flashing light by means of animation. The term "flashing sign" also means the mode of lighting that resembles zooming, twinkling, or sparkling.
34. 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.
35. Historical Sign: A sign commemorating places of local, state, or national historical significance.
36. Holiday Sign: Signs or displays that contain or depict a message pertaining to a religious, national, state, or local holiday.
37. 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.
38. Illuminated Sign: Any sign that contains an element designed to emanate artificial light internally or externally.
39. Informational Sign: Any on-site sign giving information to employees visitors, or delivery vehicles, but containing no advertising or identification.
40. Interior Sign: A sign that is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court, or entrance of any theater.

41. 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.
42. 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.
43. Master Sign Plan: Written document describing all proposed signs regarding a specific site, development, or complex, submitted by owner/manager including all type of signs/signage desired, reviewed, and approved by the city, and shall at a minimum include sign type, location, size illustrations.
44. Marquee Sign: Any building sign painted, mounted, constructed, or attached in any manner, on a marquee.
45. 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.
46. Menu Board: A sign containing a food price list for restaurant customers, but containing no advertising or identification.
47. Message Sign: A sign which allows for the graphic and/or verbal content to be changed, when desired, through electronic or manual methods.
48. Monument Sign: Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and that has a height exceeding 8 feet.
49. Motion Sign: This includes any rotating, revolving, moving, flashing, blinking, or any display that incorporates rotating panels.
50. Multiple Tenant Site: Any site that has more than one tenant, each of which (tenant) has a separate ground level exterior public entrance.
51. Noncommercial Speech: Dissemination of messages not classified as commercial speech, including messages concerning political, religious, social, ideological, public service and informational topics.
52. Nonconforming Sign: Any sign and its support structure that was lawfully erected prior to the effective date of the regulations of this article fails to conform to the requirements of this article. A sign erected in accordance with a variance granted before the adoption of the ordinance from which this chapter is derived and that does not comply with this code is deemed a nonconforming sign. A sign unlawfully erected is deemed illegal.
53. 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.
54. Off-premises Sign: A commercial speech sign that directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. Off-premises signs are considered Freestanding signs for the purposes of this article.
55. On-premises Messages: Messages that identify or advertise an establishment, person, activity, goods, products, or services that are directly involved in a lawful business activity on the premises where the sign is installed.

56. Owner (of a lot): The legal owner of the lot as officially recorded by the county, and including fee owners, contract for deed purchasers and ground lessees.
57. Owner (of a sign): The owner of the sign, including any lessees. Pole sign. See Pylon sign
58. Parapet: A low wall which is located on a roof of a building will be known as a parapet for this Ordinance.
59. Permitted Signs: Signs allowed with or without a permit.
60. 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.
61. Portable Sign: Any sign that is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed, and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.
62. Porte Cochere: A roofed structure or roof-like cover, extending from the entrance of a building and that provides shelter over a doorway
63. Principal Frontage: The wall of the principal building on a lot which fronts toward the principal public streets.
64. Prohibited Sign: Sign not allowed in the City.
65. Projecting Sign: A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.
66. Public Entrance: Any passage or opening which affords entry and access to the general public or customer.
67. Public Entrance, Common: A public entrance providing access for the utilization and benefit of two or more tenants or building occupants.
68. 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.
69. Pylon Sign: Any freestanding sign with its supportive structures anchored in the ground, a sign face elevated above ground level by poles or beams, and the area below the sign face open.
70. Pyrotechnics: Fireworks or similar devices used to ignite a combustible substance or produce an explosion
71. Reader Board: A message sign with an electronic changing message.
72. Real Estate Sign: A business sign placed upon a property advertising that particular property for sale, rent, or lease.
73. Real Estate Development Project Sign: A temporary business sign advertising a new subdivision or development.
74. Roof Line: The uppermost edge of the roof, or in the case of an extended facade or parapet, is the uppermost height of the facade.
75. Roof Sign, Integral: Any building sign erected or constructed as an integral or integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.
76. Rotating Sign: A sign or portion of a sign that turns about on an axis.

77. Rummage Sale Sign: Temporary signs announcing a non-commercial rummage or garage sale.
78. Shimmering Signs. A sign that reflects an oscillating sometimes distorted visual image.
79. Sign: Any letter, word or symbol, poster, picture, statuary, reading matter or representation in advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed, including all associated brackets, braces, supports, wires, and structures, that is displayed for informational or communicative purposes..
80. Sign Area: A measurement of the area (size/square footage) within the frame of the sign, except when the width of the frame exceeds 12 inches in the frame must be included in calculating sign area. When letters or graphics are mounted directly on a wall or fascia without a frame, the calculation of the sign's area must include the area extending 6 inches beyond the periphery formed around the letters or graphics in a plane figure bounded by straight lines. Each surface utilized to display a message or to attract attention must be measured as a separate sign. Symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating total sign area.
81. Sign Face: The sign's surface upon, against, or through which its message is shown.
82. Sign Structure: The supports, uprights, bracing, and framework for a sign, including the sign area.
83. 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.
84. Stringer. A line of string, rope, cording, or equivalent to which several pennants are attached.
85. Suspended Sign: Any building sign suspended from the underside of a horizontal plane surface is connected to this surface.
86. Temporary Sign: Any sign, banner, pennant, valance, flags (not intended to include flags of any nation, state, city, or other governmental agency or non-profit organization), searchlights, balloons, or other air-filled or gas-filled figures or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frame, intended to be displayed for a limited period of time only.
87. Total Site Signage: The combined area of all signs faces every freestanding, wall sign or other sign requiring a permit on a specific property with the exception of temporary signs.: A sign erected or displayed for a specified period of time.
88. 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.
89. 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.
90. Traffic Sign: A sign erected by a governmental unit to direct or guide traffic.
91. UL Approved: A device that has been approved by Underwriters' Laboratories (48), a U.S. non-profit organization that establishes standards for electrical equipment.
92. Video Display Sign: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text, and depicts action or a special effect to imitate movement, the presentation of pictorials or

graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes. Video display signs do not include images or messages with these characteristics projected onto buildings or other objects.

- 93. Visible: Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.
- 94. Wall: Any structure that defines the exterior boundaries or courts of a building or structure and that has a slope of 60 degrees or greater with the horizontal plane.
- 95. Wall Sign: Any building sign attached parallel to, but within 2 feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, that is supported by such wall or building, and that displays only one sign surface.
- 96. Wall Graphics: A sign painted directly on an exterior wall.
- 97. 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.

**Solar Energy System.** "Solar Energy System" shall mean a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system)

**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.

**Stockpile.** A pile or storage location for bulk materials, forming part of the bulk material handling process. Stockpiles are normally created by a stacking conveyor.



**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:** The portion of a building between the surface of any floor and the surface of the floor next above. A basement is a story.

**Street:** A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, throughway, 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 are 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, that would prolong the life of a building's supporting members, 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 for commercial and industrial uses.
2. Creating cemetery lots.
3. Resulting from court orders or the adjustment of a lot line by relocating a common boundary.

**Surveyor:** A land surveyor registered under Minnesota State laws.

**Water-Oriented Commercial Use:** The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal conduct of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

**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.

**Temporary Outdoor Storage Container:** A portable storage unit that does not have a permanent foundation or footing and which includes cargo containers, portable storage containers, and bulk solid waste containers. Such structures shall not be considered a building. A temporary storage structure may include a self-storage container that is delivered to and retrieved from a home or business for long term off-site or on-site storage. Temporary outdoor storage containers shall be permitted for a maximum of one hundred and twenty (120) days per calendar year.

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

**Toe of the Bluff:** The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

**Top of the Bluff:** The higher point of a fifty (50) foot segment with an average slop exceeding eighteen (18) percent

**Topsoil:** The upper outermost layer of soil, usually in the top two (2) to eight (8) inches. It has the highest concentration of organic matter and is where most of the earth's biological soil activity occurs.

**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:** Healthy trees measure a minimum of eight (8) inches in diameter at a distance of fifty-four (54) inches above ground and 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:** 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 a practical difficulty imposed upon him unique to the property 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. A modification of or variation from the strict provisions of this

**Vacation Rental:** See Short-Term Rental.

**Veterinary Clinic (Animal Hospital):** A facility 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 facilities include but are not limited to transfer and storage stations, processing facilities, and disposal sites and facilities. Waste facilities do not include drop-off centers, which are accessories 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 routine waste management techniques

cannot handle 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 wastewater 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.

**Water-Oriented Accessory Structure or Facility:** A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls, that, because of its relationship 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.

**Wind Energy Conversion System (WECS):** Any device designed to convert wind power to another form of energy, such as electricity or heat (also known as a wind charger, wind turbine, or windmill).

**Wholesaling:** The sale of goods, equipment, and materials in bulk to another business, which 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. The area within the lot lines of a parcel.

**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.