

400 DEFINITIONS

For the purpose of this Ordinance, certain words and terms are herein defined as follows:

Abandoned Any item which has ceased to be used for its designed and intended purpose. The following factors, among others, will be considered in determining whether or not an item has been abandoned:

- (1) Present operability and functional utility;
- (2) The date of last effective use;
- (3) The condition of disrepair or damage;
- (4) The last time an effort was made to repair or rehabilitate the item;
- (5) The status of registration or licensing of the item;
- (6) The age and degree of obsolescence;
- (7) The cost of rehabilitation or repair of the item versus its market value; and,
- (8) The nature of the area and location of the item.

Abate To repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Department shall determine is necessary in the interest of the general health, safety and welfare of the community.

Accessory Use A land use which is subordinate to and serving the principal use and customarily incidental to the land use district in which the use is located.

Accessory Structure A structure which is subordinate to and serving the principal use and customarily incidental to the land use district in which the structure is located.

Addition Any construction which increases the size of a building such as a porch, basement, attached garage or carport, or a new room

Administrator The Planning and Zoning Administrator duly appointed by the City Council to administer this Ordinance.

Agent Any person or persons acting on behalf of a landowner in dealing with activities under the jurisdiction of this Ordinance.

Agricultural Easement A restrictive covenant placed on residential developments adjacent to agricultural land waiving all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent land (See Appendix C).

Agricultural Use Real or personal property used for the production of crops, tillage, husbandry, or farming including but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products. An agricultural operation shall also include certain farm activities and uses as follows:

- a. Chemical and fertilizer spraying
- b. Farm machinery noise
- c. Extended hours of operation
- d. Storage and spreading of manure and biosolids under state permit
- e. Open storage of machinery
- f. Odors produced from normal farm activities
- g. On farm marketing of farm products
- h. Yard waste and leaf composting site
- i. Contaminated soils disposal

Agricultural Structure Any structure existing or erected which is used principally for agricultural purposes.

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

Alley. Any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.

Animal, Domestic Any animals commonly kept as household pets such as dog or cats.

Animal, Farm Cattle, hogs, horses, sheep, goats, chickens and other animals commonly kept for food production or other purposes.

Animal, Wild or Exotic Any animal not normally considered domesticated which, because of its size, vicious nature or other natural characteristics would constitute a dangerous threat to human life, property or domestic animals including but not limited to venomous reptiles; bird species illegal to own under federal or state law; and mammals including but not limited to lions, tigers, jaguars, leopards, cougars, and bears.

Animal Boarding The caretaking for hire of domestic pets owned by persons other than the occupants of a subject property which does not constitute a public nuisance.

Animal Unit A unit of measure to compare differences in the production of animal wastes which has as a standard the amount of waste produced on regular basis by a slaughter steer or heifer. Animal units are calculated by dividing the average animal weight for a species by 1,000 pounds. For purposes of these regulations, the following equivalents apply:

	Animal Unit (A.U.)
1 mature dairy cow	1.4
1 slaughter steer or heifer	1.0
1 horse	1.0
1 swine over 55#	0.4
1 sheep	0.1
1 swine under 55#	0.05
1 turkey	0.018
1 chicken	0.01

Apartment A room or suite of rooms, including bath and kitchen facilities, in a multiple-family or commercial building, designed for occupancy by a single family.

Attractive Nuisance Any condition, instrument or machine that is unsafe, unprotected and may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or, any lumber, trash, fences, debris or vegetation which may prove hazardous or dangerous to inquisitive minors.

Auto or Motor Vehicle Reduction Yard A lot or yard where one (1) or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, sale of parts, sale as scrap, storage, or abandonment. (See also Salvage yard).

Basement The space, 4 feet or greater in height, below the first story of a structure.

Bedroom Any room or unfinished area within a dwelling that might reasonably be used as a sleeping room.

Bed and Breakfast An owner-occupied single family dwelling used in part as rental units for lodging and providing one or more meals as part of the rental fee.

Best Management Practices. A practice or combination of practices for preventing or reducing diffuse or non-point source pollution to a level compatible with water quality goals.

Block A single lot or series of contiguous lots enclosed within the perimeter of roads, property lines, or boundaries of a subdivision.

"Bluff" A topographic feature such as a hill, cliff, or embankment having the following characteristics:
(1) The slope rises at least 25 feet above the ordinary high water level of the water body for riparian lots or 25 feet above the toe of the bluff for non-riparian lots;
(2) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level for riparian lots or 25 feet above the toe of the bluff for non-riparian lots averages 30 percent or greater;
(3) The slope must drain toward the water body;
(4) Part or all of the feature is located in a shoreland area; (See Appendix D)

Bluff Impact Zone A bluff (as described above) and land located within thirty (30) feet inland of the top of the bluff. (See Appendix D)

Board of Adjustment The City of Chickamaw Beach Board of Adjustment as described in the administrative section of this Ordinance and Minnesota Statutes, section 462.

Boat Access A ramp, road, or other conveyance which allows the launching and removal of a boat with a vehicle and trailer.

Boat House A structure designed and used solely for the storage of boats or boating equipment and located within the structure setback area from Protected Waters.

Buffer Strip Land area used to visibly separate one use from another or to screen or block structures, noise, and lights, etc.

Buildable Area The minimum required area remaining on a newly created parcel of land or platted lot after all road easements and rights-of-way, setbacks, bluffs, and wetlands are subtracted.

Building Any structure used or intended for storage, shelter or occupancy.

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

Building-Principal A building or structure in which is conducted the primary use of the lot on which said building or structure is situated.

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

Camping Area, Recreational Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational vehicles free of charge or for compensation.

Campsite, Dependent Any recreational camping area sites which do not have sewer connections and are dependent upon a central facility for this utility.

Campsite, Independent Any recreational camping area sites which are provided with individual water and sewer connections.

Campsite, Seasonal A recreational camping site intended for occupancy by the same recreational vehicle for a period of thirty (30) days or longer.

Campsite, Transient A recreational camping site intended for occupancy by recreational camping vehicles and rented by the day or week and occupied by the same recreational camping vehicle for up to thirty (30) days in any calendar year.

Carport. A vehicle shelter having one or more sides open.

Cass County Land Use Ordinance. The official land use control adopted and enforced by Cass County, with any subsequent amendment.

Cemetery. Public and private cemeteries as defined in Minnesota Statutes, Chapter 306.

Cemetery, Unplatted Any human remains or burials found outside of platted, recorded, or identified cemeteries pursuant to Minnesota Statutes, Chapter 307.

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

City. The City of Chickamaw Beach

Club or Fraternal Organization A non-profit organization catering exclusively to members and their guests.

Clustering/Cluster Housing The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land. (See also Planned Unit Development).

Commercial Recreation shall include but not be limited to a bowling alley, cart track, golf course, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theater, fire arm range, boat rental, amusement rides, wildlife park, casinos and similar uses.

Commissioner. The commissioner of the Minnesota Department of Natural Resources.

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

Comprehensive Plan. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City and its environs as defined by Chapter 462 in the Minnesota Statutes

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

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

Controlled Access Lot Any lot which is designated for the exclusive use by non-riparian landowners within a subdivision as a means to gain access to a lake, river, or stream.

Conveyance. The sale and every other method, direct or indirect, of disposing or parting with real property, or with an interest therein which requires the filing of a Certificate of Real Estate Value, or involves the establishment of a trust.

County Cass County, Minnesota

City Attorney The City Attorney of Chickamaw Beach or the authorized representative.

County Surveyor The County Surveyor of Cass County or the authorized representative.

Crawl Space The space below the first story of a structure not more than 4 feet high and not intended for human habitation.

Day care center A use defined by Chapter 357, Subd. 8 & 9, Minnesota Statutes, which is operated for profit for the daytime care of children and/or adults.

Deck A horizontal, unenclosed platform which may or may not be permitted to have attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than one foot above ground level.

Density The number of dwelling units residing upon, or to be developed upon, an acre of land.

Department Unless otherwise specifically denoted differently the term Department shall refer to the Cass County Environmental Services Department.

Dismantled That from which essential equipment, parts or contents have been removed or stripped and the outward appearance verifies the removal.

District Any section in Chickamaw Beach for which the regulations governing the use of buildings and land or the height and area of buildings are uniform.

Dock A platform extending water ward from the shoreline intended for ingress and egress for moored watercraft or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

Duplex A structure on a single lot, having two dwelling units, respectively and being attached by common walls and having each dwelling unit equipped with separate sleeping, cooking, eating, living, and sanitary facilities.

Dwelling Consists of one or more rooms which are arranged, designed or used for human habitation.

Easement A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways and gas lines. An easement may also be granted for such uses as recreational trails, vehicular access, natural resource protection or management, limiting development, and similar uses.

Employee A person working for hire other than the occupants of a dwelling.

Energy Power System Any combination of energy producing system(s).

Equipment, Electric Generation Devices which by themselves are incapable of supplying power in a useable format.

ESD The Cass County Environmental Services Department

ESD Director The administrative head of the Cass County Environmental Services Department.

Essential Services The erection, construction, alteration or maintenance by public utilities or municipal department or commissions, of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith (but not including buildings or transmission services) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

Establishment, Seasonal Any recreational camping area which operates for a continuous period of six (6) months, (183 days) or less during a calendar year.

Establishment, Year-Round Any recreational camping area which operates in excess of 6 months during a calendar year.

Existing Violation Any on-going or completed activity which is not permitted under any City of Chickamaw Beach Ordinance or pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F.201 - 103F.221, Minnesota Rules, Parts 6120.2500 - 6120.3900, and Minnesota Statutes, Chapter 394 and 462.

Exterior (outdoor) Storage The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Extractive Use The use of land for surface or subsurface removal and sale or compensation of sand, gravel, quarried or loose rock, industrial minerals, other nonmetallic minerals, topsoil, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

Facility, Electric Generation Any energy power system(s) that is/are connected to a public electrical system on a per connection basis.

Family One(1) or more persons, each related to the other by blood, marriage, adoption or foster care, or a group of no more than three (3) persons not so related by maintaining a common household and using common cooking and kitchen facilities.

Farm A lot or lots which are principally used for agricultural use. Such farms may include dwelling and agricultural accessory buildings and structures necessary to the operation of the farm.

Feedlot, Livestock 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. Pastures shall not be considered animal feedlots under these parts.

Fence, Boundary An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, control sound, prevent entrance, to confine, or to mark a boundary.

Filling An act of depositing any earthen material.

Filter strip The use of land topography and native vegetation to provide runoff, erosion, and sedimentation control.

Final plat Official plat to be filed in the office Cass County Recorder according to Minnesota Statutes and the subdivision regulations of Cass County.

Fish House A structure placed on a lake during the winter for use in fishing. A structure will only be considered a fish house if it is 160 square feet or less, is moveable and has a current license.

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

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

Flood Plain The areas adjoining a watercourse which have been or hereafter may be covered by a regional flood.

Flood-proofing A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge

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

Forestry The management of land for forest, woodland, or plantation uses for one or more of the following purposes: 1) to establish and maintain timber resources; 2) to harvest timber, including the selling of firewood; 3) to establish and maintain healthy and well-balanced forest; 4) to establish and maintain wildlife diversity and habitat for game and non-game species; 5) to provide outdoor recreation activities; and 6) to protect soil and water resources.

Foundation. A concrete, concrete and concrete block, or treated wood portion of a structure which totally encloses the perimeter of the structure, supports the bearing loads of the superstructure and penetrates the ground providing frost protection.

Garage An accessory structure which is only intended and used for vehicles and storage, and not a dwelling as defined herein.

Gazebo A free standing accessory structure with no kitchen, sleeping, sanitary facilities, or pressurized water intended as weather and insect protection for such activities as picnicking and lake viewing.

Government subdivision A full government subdivision or a government lot, or a simple fractional part--increments of one half or one quarter of a full government subdivision.

Grading Changing the natural or existing topography of land.

Group Care Facility A facility which provides residential services for individuals that are handicapped, aged, disabled, or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters and half-way houses.

Guest Cottage A structure used as a dwelling unit that may have one or more of the following: sleeping spaces, kitchen or bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Harbor An inland or offshore area protected from waves which is intended for the mooring of watercraft.

Hardship As used in connection with the granting of a variance means the property in question cannot be put to reasonable use if used 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 the terms of the Ordinance.

Hazardous Waste Any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

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

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

Home Business A use in a residential area for non-residential purposes carried on by individuals who are the owners or inhabitants thereof, where such use may be conducted inside as well as outside the primary residence or has more than two (2) persons as employees. All motorized vehicle businesses or generators of hazardous waste as defined in Minnesota Statutes 116.06, Subd. 11 fall under this definition whether there are employees or not.

Home Occupation A use in a residential area for non-residential purposes where such use is conducted entirely within the primary residence or accessory structures, is carried on by individuals who are the owners or inhabitants thereof, and has no more than two (2) persons as employees.

Horticulture Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

Hotel A building, structure, or enclosure, or any part thereof kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public for periods generally of one week or less.

Hydric Soils Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic Vegetation Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Ice Ridge, Historic. An ice ridge that has been in existence twelve months or longer.

Ice Ridge, Perennial. An ice ridge that has existing less than twelve months.

Impervious Surface A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, prepared road aggregate, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Individual Sewage Treatment System (ISTS) A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil

treatment and disposal as described and regulated by Chapter 7080 of the Minnesota Rules. Individual sewage treatment system includes holding tanks and privies.

Industrial (manufacturing) Use The use of land or buildings for the commercial production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Industrial Waste Solid waste resulting from an industrial, manufacturing, service or commercial activity that is managed as a separate waste stream.

Intensive Vegetation Clearing The removal of vegetation which would reduce the natural screening of a principal dwelling from a lake, river, or stream, assuming summer leaf-on conditions, and/or create an erosion or other water quality impact to the protected water.

Junk yard See Salvage Yard

Kennel Any structure or premises in which four (4) or more pets are kept for sale, breeding, profit or similar uses.

Lake, General Development Generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development.

Lake, Recreational Development Generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them.

Land Reclamation or Land Restoration The process of the re-establishment of acceptable topography, slopes, vegetative cover, soil stability and conditions appropriate to the subsequent reuse of the land.

Land Use Amendment A change authorized by the City either in the allowed use within a district or in the boundaries of a district.

Land Use District An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.

License, Primary The initial license issued to the first person, firm or corporation to establish and maintain, conduct or operate a recreational camping area at any one location.

License, Renewal A license issued to a person, firm or corporation operating a previously licensed recreational camping area.

Liquor Establishment Any business that has as a primary purpose the sale of alcoholic beverages, on sale or off sale. The service of prepared food or provision of entertainment may or may not accompany the sale of alcoholic beverages. For the purposes of this definition, convenience or grocery stores which sell alcoholic beverages as well as other unprepared food items shall not be considered liquor establishments.

Livestock Waste Lagoon A dike, water tight enclosure designed to contain livestock wastes. Livestock waste lagoons are considered accessory structures for the purpose of this Ordinance.

Lot A parcel of land designated by plat, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.

Lot Area Total square footage encompassed within the boundaries of a parcel or platted lot.

Lot Coverage The part or percentage of impervious surface coverage.

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

Lot of Record A lot that has been recorded in the office of the County Recorder.

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

Lot Width, Non-Riparian The shortest distance between side lot lines as measured at the midpoint of the longest axis of said lot. (See Appendix D)

Lot Width, Riparian The shortest distance between lot lines measured at the building setback line. For lots abutting protected waters, this dimension shall also be measured at the ordinary high water level.

Marina An inland or offshore structure for the concentrated mooring of seven or more watercraft wherein facilities are provided for ancillary services such as boat mooring, storage, fueling, launching, mechanical repairs, sanitary pump out, or restaurant services.

Maintenance Normal upkeep of a structure including the replacement of windows, siding, roofs, interior remodeling, etc. that does not expand the footprint of the existing structure or add volume to the useable living space.

Manufactured Housing/Mobile Home A structure designed or used for the residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked-up or skirted. Mobile homes shall be treated as single family dwelling units.

Manufactured Housing Park Any lot upon which two or more mobile homes are located, either free of charge or for compensation and includes any building, structure, tent vehicle or enclosure used or intended for use as part of the equipment of the manufactured housing park.

Minimum Maintenance Road A roadway designated under State Statutes Chapter 160.095, and subsequent revisions.

Mobile Home (See Manufactured Housing).

Motel A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor and which is designed, used or intended to be used primarily for the accommodation of transient guests.

Motor Vehicle An automobile, truck, and any other vehicle propelled or driven otherwise than by muscular power, not including railways.

Motor Vehicle Sales An area, enclosed or otherwise, for the purpose of displaying motor vehicles for sale, trade, or other transfer of ownership.

Natural Drainageway All land surface areas which by nature of their contour or configuration, collect, store and channel surface or runoff water.

Nonconforming Use (nonconformity) Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Non-Public Those unincorporated areas of Cass County which are not under federal, state, county, or tribal ownership or management.

Non-Riparian Lot A lot that does not abut protected waters of the State.

Non-Shoreland Area Those unincorporated areas of Cass County which are not shoreland as defined herein.

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

Offices, Business A building in which business of a non-retail and clerical services and duties are carried out, including corporate offices, banks, credit unions, insurance and real estate offices and similar uses.

Offices, Professional A building in which professional and management duties and services are carried out, including medical and dental clinics and offices; psychiatrists and psychologists offices; architectural, engineering, planning and legal offices; and similar uses.

Official Map The map established by the City in accordance with Chapter 462 in the Minnesota Statutes.

Off-Street Loading Space A space accessible from a street or alley for loading and unloading merchandise or materials. Such space shall be of a size as to accommodate one vehicle of the type typically used in that particular business.

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

Open Space Recreational Uses Any recreation use particularly oriented to and utilizing the outdoor character of an area including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.

Ordinary High Water Level (OHWL) The boundary of Protected Waters and wetlands, and shall be an elevation established by Department of Natural Resources-Division of Waters benchmark for particular lakes, or, if no benchmark has been established, an elevation delineating the highest water level 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. In areas where the ordinary high water level is not evident, setbacks shall be measured from the stream banks of the following water bodies that have permanent flow or open water: the main river channel, adjoining side channels, backwaters, and sloughs. This includes the term ordinary high water mark (OHWM).

Outdoor Entertainment The gathering or anticipated gathering of 300 or more persons for an event which involves the charging of an admission fee from spectators or participants.

Parcel (See Lot)

Parking Space A suitably surfaced and permanently maintained area either within or outside of a building of sufficient size to place one standard automobile.

Pasture Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding, temporary holding facilities, or watering devices.

Patio An impervious surface adjoining a structure located at ground level.

Pedestrian Way A public or private right-of-way across or within a block to be used by pedestrians.

Permanent Foundation The structural supports of a building that allow the building to be physically attached to the ground.

Permitted Use A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards of that district.

Person An individual, firm, partnership, association corporation or organization of any kind.

Planned Unit Development A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide such areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time share condominiums, cooperatives, full fee ownership, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

Planned Unit Development, Commercial Typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Planned Unit Development, Residential A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Planned Unit Development Subdivision (PUD/Subdivision) A subdivision that is designed using Planned Unit Development standards in accordance with the pertinent requirements of the Cass County subdivision Ordinance.

Planning Commission The body duly appointed by the City Council to determine the development of the City and make recommendations to the City Council on comprehensive plans, zoning district boundaries, conditional use permits, subdivision of land, and capital improvements.

Plat The diagram, map, drawing, or chart drawn to scale and showing all the essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey, that is required for a complete and accurate description of the land which it delineates. This is the document on which the subdivider's plan or subdivision is presented to the Planning Commission for consideration according to the provisions of the Cass County Subdivision Ordinance.

Platform An accessory structure consisting of a horizontal surface with no railings constructed of any material.

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

Property Line The legal boundaries of a parcel of property, including easements.

Protected Waters of the State or Protected Waters Lakes, rivers, streams, and wetlands designated under Minnesota Statutes, section 103G.005, subdivision 15, and any lakes or wetlands listed in the DNR Protected Waters Inventory.

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

Public Land Land owned or managed by a municipal, school district, county, state, federal, or other unit of government.

Public Nuisance A condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of the neighborhood or any considerable number of members of the public.

Public Uses Uses owned or operated by any governmental unit.

Protected Waters See Protected Waters of the State.

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

Recreational Camping Vehicle Park Campground An area accessible by vehicle, containing more than four sites for camping, travel trailers, or recreational camping vehicles. Central water supply and central on-site sewage treatment facilities may be connected to each site.

Recreational Camping Vehicle Recreational camping vehicle includes the following:

- A. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation;
- B. Any portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle; and
- C. Any folding structure, mounted on wheels and designed for travel, recreation and vacation use.

Recreation, Commercial Includes all uses that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

Recreation Field or Building means 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 any assembly, including, but not limited to a golf course, baseball park, stadium, or gymnasium.

Recreation, Private Includes outdoor recreational activities and related structures for the private use of the property owner and guests.

Recreation, Public Includes all uses that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

Recreational Vehicle (RV) Any unit incorporated in, attached to or intended to be attached to a motorized vehicle which provides living or sleeping facilities. This includes, but is not limited to, travel trailers, campers, fifth wheel campers, over the pickup cab campers, pop up campers, fold out campers, pickup topper campers, camper cars, bus campers, mini-homes, motor homes and other similar units.

Registered Land Survey. A survey meeting the requirements of the Cass County Subdivision Ordinance prepared by a licensed professional surveyor.

Remodel. See Maintenance

Renewable Energy Systems Wind Energy Systems, Solar Energy Systems, Hydroelectric Energy Systems, Fuel Cell Energy Systems, Electric Vehicular Charging Station Systems and similar systems which do not rely on fossil fuels to create energy.

Residential Lot Any lot intended for human occupancy.

Resort Any buildings, structures, or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day to one week or longer, and having for rent three or more cottages, rooms, or enclosures.

Retail, General Sales and Services Refers to a broad range of commercial activities operating out of a permanent structure catering to the general public.

Riparian Lot A lot that abuts Protected Waters.

River Segment, Forested River segments that are located in forested, sparsely to moderately populated areas. Predominant land uses include multiple use forestry, some recreation facilities, seasonal residential, and, within commuting distance of major towns, some year-around residential.

River Segment, Remote River segments that are primarily located in roadless, forested, sparsely populated areas. Common land uses include multiple-use forestry, some recreational facilities, and occasional seasonal or year-around residential.

River Segment, Transition River segments that are generally located in the middle reaches of river systems. Common land uses include forests with riparian development strips and mixtures of cultivated, pasture, and forested beyond.

River Segment, Tributary River segments mapped in the DNR Protected Waters Inventory that were not assigned one of the other river segment classifications.

Road, Private A roadway or strip of land reserved for ingress and egress by the adjacent landowners and their guests, as distinguished from a public road.

Road, Public Any vehicular way which is an existing federal, state, county, city, or township roadway; is shown upon a plat approved pursuant to law as dedicated to public use; or is dedicated to public use.

Sale or Transfer A transfer of title, whether by conveyance or a contract for conveyance of real property.

Salvage yard A place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually, buying or selling at retail or wholesale any old, used or second hand material of any kind including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk.

Sanitary Facilities Toilet, bathroom, shower, and floor drains.

Scenic Easement A strip of land dedicated by easement or covenant on a deed to remain in a natural and protected state.

Screening Fencing, an earthen berm, or vegetative growth that visually separates one object from another.

Seasonal Site Any recreational camping site intended for occupancy by the same recreational vehicle for a period of thirty (30) days or longer.

Selective Cutting The removal of single scattered trees.

Semi-public Use The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

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

Septage Those solids and liquids removed during periodic maintenance of a septic or aerobic tank, or those solids and liquids which are removed from a holding tank.

Setback The minimum horizontal distance between a structure, individual sewage treatment system, or other facility and road, highway, property line, or other facility.

Sewage Sludge. As defined in Minnesota Statutes, section 115A.03, subdivision 29, means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Sewage Treatment System. See Individual Sewage Treatment System.

Shore Impact Zone-1 Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shore Impact Zone-2 Land located between shore impact zone-1 and the structure setback.

Shoreland Land located within the following distances from Protected Waters: 1,320 feet from the ordinary high water level of a lake, river, pond or flowage, the Mississippi River corridor as designated in the Mississippi Headwaters Management Plan, and 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.

Shrub A woody plant less than 6 inches in diameter as measured at a point 2 feet from the ground.

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

Sign Face The area of a sign on which the copy is placed.

Sign Height. The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Sign, Off-premise (Billboard) A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

Sign area - The length of a sign face multiplied by its width, exclusive of structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.

Significant Cultural or 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 this criterion 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.

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

Steep Slope Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports unless, appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that are not bluffs.

Solid Waste Garbage, refuse, and other discarded solid materials, including solid waste materials, resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted material disposed of as soil amendment, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

Stairways, Lifts and Landings Any structure providing access up and down a slope. Lift means a mechanical conveyance for access up and down a slope.

Storage Building A one or two story accessory structure intended only for use as storage, and not a dwelling as defined herein.

Story That portion of a building included between the surface of any floor and the surface of the floor next above it or the space between such a floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over four (4) feet above the average established grade.

Structure Anything constructed, placed or erected by humans, including but not limited to homes, garages, accessory buildings, mobile homes, recreational vehicles left on a site for 14 consecutive days and used as a residence, signs greater than 15 square feet, storage buildings, decks, fences, and fish houses.

Structural Alteration See Maintenance.

Structure Setback The horizontal distance between a structure and some other natural feature, structure, or boundary including but not limited to a lake, river, easement, road right-of-way, well, individual sewage treatment system, or property line.

Subdivision Land that is divided for the purpose of sale, rent or lease, including planned unit developments, regulated by the Cass County Subdivision Ordinance.

System, Electric Generation Any combination of equipment connected together.

Toe of Bluff The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from gentler to steeper slope above. If no break is apparent, the toe of bluff shall be determined to be the lower end of a 10 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of the Bluff The point on a bluff where there is, as visually observed a clearly identifiable break in the slope from steeper to gentler slope above. If no break is apparent, the top of bluff shall be determined to be the upper end of a 10 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of Bank For the purposes of determining setbacks, the point at the edge of a river where hydric (wetland) soils end and non-hydric (upland) soils begin.

Total Project Area For the purposes of a planned unit development or plat, the total area encompassed within the boundaries of a parcel.

Tower, Free Standing A tower designed to be self supporting without guy wires.

Tower, Guyed Lattice A tower designed with multiple metal columns braced together and supported by guy wires.

Tower, Guyed Non-Lattice A tower designed of a singular tubular metal column and supported by guy wires.

Tower, Telecommunication Structures erected and intended to support antennas for the transmission of wireless communications.

Tract See Lot.

Transfer Station A facility in which solid waste from collection vehicles or individuals is concentrated for subsequent transport.

Travel Trailer or Camper See Recreational Vehicle.

Tree A woody plant 6 inches or more in diameter as measured a point 2 feet from the ground.

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.

Useable Floor Space All horizontal floor areas within a dwelling above which there are 4 or more feet vertical clearance.

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

Vegetation The sum total of trees and shrubs in an area.

Vegetative Buffer A strip of well-rooted, natural vegetation at least ten (10) feet wide, consisting of a mixture of grasses, shrubs and trees.

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

Water-Oriented Accessory Structure or Facility An above ground building or other improvement in a water-oriented commercial district.

Wellhead protection area The surface and subsurface area surrounding a well or well field that supplies a public water system, through which contaminants are likely to move toward and reach the well or well field.

Wetland(s) Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) have a predominance of hydric soils;
- (2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) under normal circumstances support a prevalence of such hydrophytic vegetation.

Wildlife Pond A pond excavated for the sole purpose of providing improved habitat and/or a water source for waterfowl and upland game species.

Wrecked That which has outward manifestation or appearance of damage to parts and contents which are essential to operation.

Wrecking Yard See Salvage Yard.

Yard The required open space on a lot which is unoccupied and unobstructed from its lowest level to the sky except as permitted in this Ordinance.

Yard, Front A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the land use district in which such lot is located.

Yard, Rear The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Yard, Side The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the land use district in which such lot is located.

