

CHAPTER 2
RULES AND DEFINITIONS

SECTION:

- 2.01: Rules of Grammar
- 2.02: Definitions

2.01: RULES OF GRAMMER: 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 the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition thereof.
- F. All measured distances expressed in feet shall be the nearest tenth of a foot.

2.02: DEFINITIONS: This Chapter provides definitions of terms and phrases used in this Ordinance that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Ordinance. If a word is not defined in this Chapter, or other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct. The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined unless the context in which they are used clearly requires otherwise:

Abutting: Making contact with or separated only by public thoroughfare, railroad, public utility right-of-way, or navigable waters.

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

Adjacent: Having a common endpoint or border or being in close proximity.

Adult Day Care Facilities: State-licensed facilities that provide non-medical care and supervision for more than six adults for periods of less than twenty-four hours.

Addition: A physical enlargement of an existing structure.

Agent: A person authorized in writing by the property owner to represent and act for a property owner in contacts with city employees, committees, Commissions, and the Council, regarding matters regulated by this Ordinance.

Agriculture Uses: Those uses commonly associated with the growing of product on farms, these include: field crop farming; pasture for hay, fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in season of products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feedlots, and kennels.

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street that is not intended for general traffic circulation.

Alteration: Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting or ornamental changes.

Animal Feedlot: 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. Open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

Animal Kennel: Any place where three (3) or more domestic animals of one type, over six (6) months of age, are commercially kept, except hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.

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

<u>Animal</u>	<u>AU Per Animal</u>
One mature dairy cow	1.40
One slaughter steer or heifer	1.00
One horse	1.00
One swine over 55 pounds	.40
One duck	.20
One sheep	.10
One swine under 55 pounds	.05
One turkey	.018
One chicken	.01

Animals, Domestic: House pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the City. In addition, it includes birds and rabbits normally sheltered outside the home.

Animals, Farm: Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.

Animals, Wild: Any ape, including chimpanzee, gibbon, gorilla, orangutan, or siamang, baboon, bear, bison, bobcat, cheetah, crocodile, coyote, deer, including members of the deer family such as elk, antelope and moose, elephant, ferret, fox, hippopotamus, hyena, jaguar, leopard, lion, lynx, monkey, ostrich, puma, also known as cougar, mountain lion or panther, rhinoceros, a snake which is poisonous or non-indigenous, or any constrictor snake, snow leopard, tiger, wolf, or other animal that is wild, ferocious, or vicious by nature, habit, disposition or character.

Antenna: Any structure or device used to collect or transmit Radio Frequency (RF) waves, including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas. Specific definitions related to antenna follow:

1. **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 wireless communication radio waves including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services and including the support structure thereof.
2. **Public Utility Microwave:** A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the supporting structure thereof.
3. **Radio and Television, Broadcast Transmitting:** A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio or television programming, and including the support structure thereof.
4. **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.
5. **Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses and including the support structure thereof. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television receive only) and satellite microwave antennas.
6. **Short-Wave Radio Transmitting and Receiving:** A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the supporting structure thereof.
7. **Support Structure:** Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.
8. **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, also commonly referred to as a Cellular on Wheels (COW).
9. **Tower:** A self-supporting lattice, guyed or monopole structure constructed from grade which supports personal wireless service antennas. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Apartment: A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual and is equipped with cooking facilities. Apartment includes dwelling unit and efficiency unit.

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

Approval: Includes both approval and approval with conditions

Artificial Obstruction: Any obstruction which is not a natural obstruction. (See definitions of Obstruction and Natural Obstruction.)

Auto Parts Sales: Stores that sell new automobile parts, tires, and accessories. May also include minor

parts installation. Does not include tire recapping establishments, or businesses dealing exclusively in used parts.

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

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

Automobile Wrecking or Junk Yard: Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

Balcony: A floor projecting from and supported by a structure without additional independent supports.

Banks and Financial Services: Financial institutions including: banks and trust companies; credit agencies; holding (but not primarily operating) companies; lending and thrift institutions; other investment companies; securities/commodity contract brokers and dealers; security and commodity exchanges and vehicle finance (equity) leasing agencies. See also, "Automatic Teller Machine," above.

Basement: That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling. (See definition of Story.)

Bay: Cantilevered area of a room.

Bed & Breakfast: An owner occupied single family residence that provides overnight accommodations to a limited number of visitors for a charge, not to exceed a stay of seven consecutive nights.

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

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

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

Boarding House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.

Boarding (House) Home, Foster Children: A family dwelling where children out of their own homes are cared for.

Broadcasting Studios: Commercial and public communications uses including radio and television

broadcasting and receiving stations and studios, with facilities entirely within buildings. Transmission and receiving apparatus, including antennas and towers, are included under the definition of "Telecommunications Facilities."

Boundary Line: Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the Zoning Map.

Buffer: The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.

Buffer Yard: A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

Buildable Area: The portion of a lot remaining after yards have been provided.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Height: A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.

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

Building Material Stores: Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, fixtures. Includes all building material stores which sell to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Warehousing, Wholesaling and Distribution." Hardware stores are listed in the definition of "General Retail Stores," even if they sell some building materials.

Building Permit: A "building permit" is authorization from the City to commence construction and complete a structure in compliance with the plans approved by the City.

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

Camping Trailers: Shall mean any of the following:

1. **Camping Trailer:** A folded structure, mounted on wheels and designed for travel, recreation and vacation uses.
2. **Motor Home:** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed on an integral part of a self-propelled vehicle.
3. **Pickup Coach:** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
4. **Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.

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

Carport: A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on one or more sides.

Cellar: The portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

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

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

Church: A building, 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 Attorney: The person designated by the City Council to be the City Attorney for the City of Osakis.

City Building Official: The person designation by the City Council to be the City Building Official for the City of Osakis.

City Clerk: The person designated by the City Council to be the City Clerk for the City of Osakis.

City Council: The governing body for the City of Osakis.

City Engineer: The person designated by the City Council to be the City Engineer for the City of Osakis.

City Zoning Administrator: The person designated by the City Council to be the Zoning Administrator for the City of Osakis.

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

Clubs, Lodges, and Meeting Halls: Permanent, headquarters-type meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; other membership organizations. Membership organization offices without member meeting facilities are instead classified under "Offices."

Co-location: The locating of wireless communications equipment from more than one provider on a single roof-mounted or structure-mounted facility.

Commercial Motor Vehicle: A motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle: has a gross vehicle weight of more than 26,000 pounds; has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds; is a bus; is of any size and is used in the transportation of hazardous materials, except for those vehicles having a gross vehicle weight of 26,000 pounds or less and carrying in bulk tanks a total of not more than 200 gallons of liquid fertilizer and petroleum products; or is outwardly equipped and identified as a school bus, except for school buses defined in Mn. Rules, Section 169.01, Subd. 6(5) as may be amended.

Commercial Zoning District or Zone: Any of the commercial zoning districts established by Chapter 16 (Zoning Districts Established).

Commercial Recreation: Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or

amusement, dance hall, skating, trampoline, tavern, theater, indoor firearms range, boat rental, amusement rides, campgrounds, park, and similar uses.

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

Common Interest Development: Any residential condominium, community apartment house, or stock cooperative.

Common Open Space: Any privately owned open space including private parks, nature areas, playgrounds, and trails, including accessory recreational buildings and structures which are an integral part of a development.

Community Centers. Multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Comprehensive Plan: The group of maps, charts and texts that make up the comprehensive long range plan of the City.

Conditional Use: A use, which because of special problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the City Comprehensive Plan.

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 present.

Condominium: As defined by Civil Code Section 1351, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map. The area within the boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to any land except by easements for access and, if necessary, support.

Congregate Care: Congregate care housing facilities are multi-family residential projects reserved for senior citizens or the disabled, where each dwelling unit has individual living, sleeping, and bathing facilities, but where common facilities are typically provided for meals and recreation.

Condominium: A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.01 through 515.29.

Construction Contractor's Yard: An outdoor storage yard operated by a construction contractor for the storage of building materials and construction equipment.

Convenience Store: Retail stores of generally 3,500 square feet or less in gross floor area, which primarily carry prepackaged food and beverage products, but may also include other merchandise oriented to convenience shopping and travelers' needs.

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

Cooperative (Housing): A multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Court: An unoccupied open space other than a yard which is bounded on two (2) or more sides by the walls of the buildings.

Crawl Space: Shall have the definition given in the building code.

Day Care Facility: Any State licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance on a regular basis, or periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and other "non-residential programs" as defined by Minnesota Statutes, Section 245A.02, Subdivision 10.

Deck: 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 above grade.

Decorative Block: A building block of cast concrete and aggregate rock that has a split-rock, brick-like, burnished, or ribbed texture on the side to be exposed, and is available in a variety of colors.

Delicatessen: A shop where ready to serve cold food, such as cooked meats, smoked fish, salads, relishes, etc. which are prepared in advance, is sold typically for consumption off the premises.

Department Store: A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

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

Detached: Any structure that does not have a wall or roof in common with another structure on the same site.

Development: Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the **effective date of this Ordinance**.

Development Agreement. A contract between the City and an applicant for a development project. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure, adhere to approval conditions and/or pay fees required by a new project.

Development Plan: A plan guiding the development of the property to the ultimate land use. The plan shall include but is not limited to: site analysis information, staging plan, grading plan, drainage plan and end use plan.

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

Distribution Center: A use where large volumes of commodities are received and organized for transport prior to final dispersal to the consumer. For the purpose of this definition a use shall be considered to be that area utilized for the distribution-related activities, not including office, laboratory or production space, of an individual occupant, owner or tenant of one or more structures or a portion thereof located on a single lot.

District: A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

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

Dog Kennel: Any place where more than three (3) dogs over six (6) months of age, are kept, except hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.

Domestic Animal Disclosure: Any accessory building or portion thereof, accessory structure or area of any kind, including without limitation, pens, runs, kennels and domestic animal houses, that is principally used or designed for use as a place for keeping domestic animals. An electronic pet containment system is not considered a domestic animal enclosure.

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

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

Drive-In Establishment: An establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

Dry Cleaning: See "Laundries and Dry Cleaning Plants" and "Personal Services."

Duplex: A residential structure containing two dwellings with one unit above the other.

Duplex, Triplex, and Quad: A dwelling structure on a single lot, having two (2), three (3), and four (4) units, respectively being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

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

Dwelling, Multiple (Apartment): A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but sharing hallways and main entrances and exits.

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

A. Attached: A dwelling which is joined to another at one or more sides by a party wall.

B. Detached: A dwelling unit not attached to another dwelling or structure.

Dwelling, Two Family: A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

A. Double Bungalow: A two family dwelling with two (2) units side-by-side.

B. Duplex: A two family dwelling with one unit above the other.

Dwelling, Unit: A residential building or portion thereof intended for occupancy by one family but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Efficiency Apartment: A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets, or dining alcove.

Elderly Senior Citizen Housing: A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over sixty (60) years of age.

Elevator Penthouse: An enclosure located on the top of a building which houses the working mechanisms of an elevator.

Equal Degree of Encroachment: A method of determining the location of encroachment lines so that floodplain land on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for a significant reach.

Essential Services: The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

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

Extractive Use: The use of the 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 through 93.51.

Façade: Any exterior elevation of a building.

Family: An individual or two (2) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than three (3) persons not so related maintaining a common household and using common cooking and kitchen facilities.

Farm: A tract of land of ten (10) or more acres in size usually with a house and barn plus other buildings on which crops and often livestock are raised for a principal source of livelihood.

Farm, Hobby: A tract of land generally consisting of ten (10) or less acres in size with a house and accessory buildings on which crops and often livestock are raised but not as a principal source of income. A hobby farm shall not qualify for exemptions provided in this Ordinance for farms.

Farmers' Market: The temporary use of a site for the outdoor sales of food and farm produce items from vehicles.

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

Feasible: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Feedlot, Animal: See Animal Feedlot.

Fence: A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.

A. Fence, Boundary Line: All fences located within five (5) feet of property line.

B. Fence, Interior Yard: All fences located five (5) feet beyond a property line.

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

Firearm Sales: Firearm sales include the retail sales of guns, ammunition, and related products and accessories.

Flood: A temporary rise in a stream flow or stage which results in inundation of the areas adjacent to the channel.

Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood stage of discharge may be equaled or exceeded. By strict definition, such estimates are designated "exceedence frequency", but in practice the term "frequency" is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specific number of years.

Flood Fringe: That portion of the floodplain outside of the floodway.

Flood Profile: A graph or a longitudinal plot of water surface elevation of a flood event along a reach of a stream or river.

Floodplain: The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Floodway: The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

Floor Area: 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 such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.

Garage: A structure for parking vehicles that is completely enclosed on four sides, with a solid roof.

Garage, Private: An accessory building or accessory portion of the principal building which is 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, and in which no business service or industry is carried on.

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 remuneration or hire and in which any sale of gasoline, oil and accessories is only incidental to the principal use.

Garage Sale: Any sale held for the purpose of selling, trading or otherwise disposing of unwanted household furnishings, personal goods or other tangible properties of a resident of the premises on which the sale is conducted in a residential zone.

General Retail Stores: Stores and shops selling many lines of merchandise. These stores and lines of merchandise include:

Governmental or Public Facilities: Publicly owned structures used for the purposes of conducting city, Osakis Zoning Ordinance

county, state, or federal government business. These facilities include City Hall, and federal, state, or municipal equipment yards, fire and police stations, offices, recreation centers, sanitation facilities, schools, and similar facilities. Private commercial development projects leasing publicly owned land shall not be considered governmental or public facilities.

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.

Grand Opening: An advertising event which has as its purpose, the promotion of a newly opened use, a change in the orientation of a use or reopening of a use following a remodeling, major renovation, or a management change.

Grocery Store: A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store.

Guest Room: A room occupied by one or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

Hardship: The same as that term is defined in Minnesota Statutes, Chapter 462.

Hazardous Waste: Any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semi-solid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may: 1) cause or significantly contribute to an increase in mortality or an increase in serious or irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, or transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammable, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

Health/Fitness Facilities: Fitness centers, gymnasiums, health and athletic clubs including any of the following: aerobics; indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities.

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

Hotel: A facility with guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging, typically less than thirty days. Also may include accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, meeting facilities, etc.

Impervious Surface: An artificial or natural surface through which water, air, or roots cannot penetrate.

Incidental Business Activity: A temporary activity conducted on the premises of a business such as a store, cafe, restaurant, bar, or night club, which is intended to attract additional customers to the primary business activity, otherwise draw attention to the primary business activity, or serve as a benefit for a non-profit organization not directly affiliated with the primary business activity. Examples include book readings and signings at bookstores, poetry readings at cafes, stand-up comedy performances at bars or night clubs, and similar activities.

Incidental Use: A use which is secondary to the primary use of a property and which does not intensify the use.

Indoor Amusement/Entertainment Facilities. Establishments not serving alcohol providing indoor amusement and entertainment services for a fee or admission charge, including: Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or less machines are considered an accessory use to the primary use of the site.

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

Infectious Waste: Laboratory waste, blood, regulated body fluids, sharps, and research animal waste that have not been decontaminated.

Intensification of Use: A change in the use of a structure or site, where the new use is required by Chapter 31 (General Requirements) to have more off-street parking spaces than the former use; or a change in the permitted operating characteristics of a use (for example, hours of operation), which generate more activity on the site.

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

Interlock: This is the painted line or barrier in a parking lot that separates two (2) facing rows of parking from one another.

Intermittent: A stream or portion of a stream that flows only in direct response to precipitation.

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 closed buildings.

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.

Laundries and Dry Cleaning Plants. Service establishments engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores with limited dry cleaning equipment; see "Personal Services."

Libraries and Museums. Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

Live/Work Facilities. An integrated living unit and working space, occupied and utilized by a single housekeeping unit, in a nonresidential building, or commercial zoning district, or in a building specifically designed and constructed to provide live/work units.

Lodging House: A building other than a hotel, where the compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family but not including a building providing this service for more than ten (10) persons.

Lodging Room: A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one lodging room.

Lot or parcel. A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Ordinance and city ordinances, including this Zoning Ordinance. Types of lots include the following.

1. **Corner Lot:** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.
2. **Flag Lot:** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
3. **Interior Lot:** A lot abutting only one street.
4. **Key Lot:** An interior lot, the front of which adjoins the side property line of a corner lot.
5. **Reverse Corner Lot:** A corner lot, the rear of which abuts a key lot.
6. **Through Lot:** A lot with frontage on two generally parallel streets.

Lot Area: Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent

Lot Depth: The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. The Zoning Administrator shall determine lot depth for parcels of irregular configuration.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Zoning Administrator shall determine lot width for parcels of irregular shape.

Lot Area: The area of a horizontal plane within the lot lines.

Lot Area, Minimum: Except as may be otherwise required by this Ordinance, the area of a horizontal place within the lot lines.

Lot, Corner: A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

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, Interior: A lot, other than corner lot, including through lots.

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

Lot Line, Front: The lot line separating a lot from the street right-of-way along the lot frontage.

Lot Line, Rear: The lot line opposite and most distant from the lot frontage which connects the side lot lines.

Lot Line, Side: Lot lines extending away from the lot frontage, which connects the front and rear lot lines.

Lot (Of Record): A parcel of land, whether subdivided and/or otherwise legally described and recorded

as of _____, or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage upon a street.

Lot, Through: A lot fronting on two (2) parallel streets.

Lot, Triangular: A lot in which the side lot lines converge into a single vertex. The vertex shall be deemed to be the rear lot line..

Manufactured Home: A structure, transportable in one 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 files a certification required by the secretary and complies with the standards established under Minnesota Statutes, Chapter 327.

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

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

Medical Services – Clinics, Offices, and Laboratories: Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including: chiropractic offices; health management organizations (HMOs); medical and dental laboratories - medical, dental and psychiatric offices; out-patient care facilities; other allied health services and alternative health care services (e.g., acupuncture, etc.). Counseling services by other than medical doctors or psychiatrists are included under “Offices.”

Medical Services – Hospitals: Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports.

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

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

Mixed Municipal Solid Waste: Garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining water, sludge, tree and agricultural wastes, tires, lead acid batteries, used oil and other materials, collected, processed, and disposed of as separate waste streams.

Mixed-Use Project: A project which combines both commercial and residential uses, where the residential component is typically located above the commercial.

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

Motel/Motor Hotel: A building or group of detached, semi-detached or attached buildings containing guest rooms, or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

Monopole: A structure composed of a single spire used to support antennae and related equipment.

Mortuaries and Funeral Homes: Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

Motor Freight Terminal (Truck Terminal): A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Motor Fuel Station: A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

Mounted: Attached or supported.

Multi-Family Dwellings: A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); and senior citizen multi-family housing; see also "Common Interest Development."

Municipal Code (See also City Code): The City of Osakis City Code, as it may be amended from time to time by the Council.

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

Natural Obstruction: Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.

Nightclubs and Bars: Any bar, cocktail lounge, discotheque, or similar establishment which provides live entertainment (music and/or dancing, comedy, etc.) in conjunction with alcoholic beverage sales. Includes bars, taverns, pubs, karaoke bars, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery.

Nonconforming Parcel: A parcel that was legally created prior to the **adoption of this Zoning Ordinance** and which does not conform to current code provisions/standards (e.g., access, area or width requirements, etc.) prescribed for the zoning district in which the parcel is located.

Nonconforming Sign: A sign which lawfully existed prior to the **effective date of this Ordinance**, or any amendment thereto, but which fails by reason of such adoption or amendment to conform to all of the standards and regulations of the adopted or amended provision.

Nonconforming Structure: A structure that was legally constructed prior to the **adoption of this Ordinance** and which does not conform to current code provisions/standards (e.g., open space, distance between structures, etc.) prescribed for the zoning district in which the structure is located.

Nonconforming Use: A use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the **adoption of this Ordinance** and which does not conform to current code provisions governing allowable land uses for the zoning district in which the use is located.

Obstruction (Floodplain): Any storage of material, or equipment, any dam, wall, wharf, embankment, levee, road, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, deposit, clearing of trees or vegetation, structure or matter in, along, across, or projecting, in whole or in part, into any floodplain.

Occupancy: All or a portion of a structure occupied by one tenant.

Offices: This Ordinance distinguishes between the following types of office facilities. These do not include: medical offices (see “Medical Services – Clinics, Offices and Laboratories”); or offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use.

1. **Administrative/Business.** Establishments providing direct services to consumers, such as insurance and travel agents, real estate offices, utility company offices, etc.
2. **Government.** City, and other local, state, and federal government agency or service facilities. Includes post offices.
3. **Production:** Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include: advertising agencies; media postproduction services; architectural; engineering; planning and surveying services; photography and commercial art studios; computer software production and programming services writers and artists offices; educational, scientific and research organizations.
4. **Professional:** Professional offices including: accounting; auditing and bookkeeping services; detective agencies and similar services; attorneys; employment; stenographic; secretarial and word processing services; counseling services; literary and talent agencies; court reporting services; management and public relations services and data processing services.
5. **Temporary:** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.
6. **Temporary Real Estate:** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

Off-site: An activity or accessory use that is related to a specific primary use, but is not located on the same legal parcel as the primary use.

On-site: An activity or accessory use that is related to a specific primary use, which is located on the same legal parcel as the primary use.

Open Fencing: A barrier constructed of material which is at least 50 percent transparent, such as glass, wood pickets, plastic panels or wrought iron.

Open Space, Common: Unroofed areas of a developed site that are available for active and/or passive recreational use by residents of a multi-family residential project.

Open Space, Private: Unroofed areas of a developed site that are available for active and/or passive recreational use by residents of an individual dwelling unit and are clearly defined and separated from “public” areas of the site by fencing and/or building walls.

Outdoor Commercial Recreation: Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including: · amphitheatres · stadiums and coliseums ·

amusement and theme parks · swim and tennis clubs · health and athletic club outdoor facilities · tennis courts · miniature golf courses · water slides · skateboard parks · zoos May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include parks and playgrounds, which are separately defined.

Outdoor Dining. A restaurant or other eating establishment where tables and seating are provided and food and/or beverages are served in outdoor areas with at least one open side.

Outdoor Retail Sales, Temporary: Temporary outdoor retail operations including: Christmas trees, pumpkins or the sale of other seasonal items farmers' markets semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows sidewalk or parking lot sales longer than one weekend retail sales from individual vehicles in temporary locations outside the public right-of-way

Overgrown or Dead Vegetation: Vegetation, including hedges, lawns, plants, shrubs, trees, and weeds that have not been cut or trimmed, or have died due to lack of maintenance or watering.

Overlay Zoning District or Zone: Any of the overlay zoning districts established by Chapter 16 (Zoning Districts Established).

Off-Street Loading Space: A space accessible from the street, alley or way, in a building or on the lot for the use of trucks while loading or unloading merchandise or materials.

Open Sales Lot: Any open land used or occupied for the purpose of buying, selling, and/or renting merchandise and for the storing of same prior to sale.

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

Out-Patient Care: Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

Parking Space: An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Pedestrian-Oriented, Pedestrian Orientation: Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including:

1. Street furniture;
2. Design amenities related to the street level, including awnings,;
3. Visibility into buildings at the street level;
4. Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing;
5. Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;
6. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
7. Signage oriented and scaled to the pedestrian rather than the motorist; and
8. Landscaping.

Pedestrian-Oriented Use: A use which is intended to encourage walk-in customers and which generally does not limit the number of customers by requiring appointments or otherwise excluding the general

Osakis Zoning Ordinance Chapter 2, Page 18

public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to intense and attractive visual interest, high customer turnover and intense social interaction.

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: An individual, firm, partnership, association, corporation, or organization of any kind. Person also means an adult who is handicapped by reason of mental retardation, mental illness, chemical dependency, or physical handicap, and a child, whether handicapped or not, as defined by Minnesota Statutes, Section 245A.02, Subdivision 4.

Personal Services: Establishments providing non-medical services as a primary use, including: barber and beauty shops; shoe repair shops; clothing rental; dry cleaning pick-up stores with limited equipment; tailors; home electronics repair; tanning salons; laundromats (self-service laundries) and tattoo parlors. These uses may also include accessory retail sales of products related to the services provided.

Pet Shops: Retail stores selling birds, cats, dogs, fish, and other common household pets, including supplies for the care and feeding of the animals sold. This use may include pet grooming, but not the boarding of animals other than those for sale. (See Veterinary Clinics, Animal Hospitals, Kennels, Boarding.)

Pharmacy: A retail store where a licensed pharmacist prepares prescription medicines for sale, which may also sell over-the-counter medicines, personal care products, and other miscellaneous products.

Philanthropic, Charitable, and Educational Non-Profit Organizations: Nonpolitical and noncommercial foundations and other organizations providing philanthropic, charitable, and educational services, that qualify as non-profit organizations under federal tax law.

Plant Nurseries and Garden Supply Stores: Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these products, nursery stock, lawn and garden supplies, and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under "General Retail Stores." Home greenhouses are included under "Residential Accessory Uses and Structures."

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

Printing and Publishing: Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Private Residential Recreation Facilities: Privately owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses or country clubs.

Property Line: The recorded boundary of a parcel of land.

Property Owner: The record owners of a parcel. For the purposes of land use permit application filing and processing, "property owner" also includes authorized representatives of the property owner.

Proposed Project: A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

Pole Building: Any structure possessing the following characteristics: structural wood poles or timbers buried in ground on individual footings; metal wall coverings hung vertically of less than twenty-eight (28) gauge. 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.

Public Open Space. A parcel or area of land or water that is restricted to active or passive recreational uses, that is owned and maintained by a public agency and is available for use by the general public.

Public Safety Facilities. Facilities operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

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

Quadraminium: A single structure which contains four (4) separately owned dwelling units, all of which have individually separate entrances from the exterior of the structure.

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

Recreational Vehicle: A self-propelled vehicle which is used primarily for recreational purposes.

Recyclable Material: Materials that can be readily separated from mixed municipal solid waste for the purpose of recycling, including but not limited to paper, glass, plastics, metals, automobile oil and batteries. Recyclable materials that have been separated from the waste stream, processed, and sold or given away for reuse are no longer considered waste.

Refuse and Waste Material: Unused or discarded matter of any kind including asphalt, boxes, bricks, building materials, cartons, concrete, containers, crates, lumber, machinery, plaster, rocks, rubble, soil, tile, or appliances and parts thereof, furniture or equipment and parts thereof, scrap metal and other pieces of metal, ferrous or nonferrous, barrels, bottles, and cans. It also includes an accumulation of dead organic matter, debris, garbage, junk, offal, animal harborages vegetation, weeds, and similar materials or conditions. Any item, material, or substance mentioned above that is not being used for construction or repair of an improvement and has been placed upon real property or the public right-of-way.

Religious Facilities/Places of Worship: Facilities operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc., and religious schools; and accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other potentially related operations (for example, a recreational camp) are classified according to their respective activities.

Remodel/Rehabilitate: The upgrade of the interior or as distinguished from a secondary or accessory use exterior faces of a building or structure without altering to any degree the structural integrity. Remodeling may include the replacement of exterior walls according to the requirements of the Building Code provided that such remodeling can meet the standards of the zone clearance.

Research and Development (R&D): Indoor facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and mechanical components in

advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include computer software companies (see “Offices – Production”), soils and other materials testing laboratories (see “Business Support Services”), or medical laboratories (see “Medical Services – Clinics, Offices, and Laboratories”).

Residential Accessory Uses and Structures: See “Accessory Uses and Structures, Residential.”

Residential Care Facilities: Facilities providing residential social and personal care for children, the elderly, and people with limited ability for self-care. Includes: board and care homes; children’s homes; transitional houses; orphanages; rehabilitation centers; self-help group homes, convalescent homes, nursing homes and similar facilities.

Restaurant: A retail business selling food and beverages prepared on the site, for on- or off premises consumption. These include eating establishments where customers are served from a walkup ordering counter for either on- or off-premises consumption, and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. Also includes: coffee houses; and entertainment with up to two entertainers, nonamplified, in a room with food service.

Resort, limited: A group or groups of buildings, and outdoor assembly areas, that provides limited outdoor recreation activities that include, but are not limited to: swimming, tennis, water sports and similar activities, but does not include such things as golf, horseback riding, hiking etc. where large tracts (five or more acres) of land are required.. A resort may also furnish indoor recreation activities as well and may furnish services customarily furnished by a hotel, including restaurants and limited retail.

Retail: See “General Retail Stores.”

Review Authority: The individual or official city body (the Community Development Director, Planning Commission, or City Council) identified by this Zoning Ordinance as having the responsibility and authority to review, and approve or disapprove the permit applications described in Article 19-4 (Zoning Ordinance Administration).

Roof-mounted: Mounted above the eave line of a structure.

Room Rental: The monthly or annual renting of individual bedrooms within a dwelling to no more than two non-family members, whether or not meals are provided.

Restaurant: An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

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

Schools: Public and private educational institutions, including: boarding schools; high schools; business; secretarial; and vocational schools; military academies; community colleges, colleges and universities; professional schools (law, medicine, etc.); elementary, middle, and junior high schools; seminaries/religious ministry training facilities, establishments providing courses by mail. Also includes specialized schools with at least two classrooms, offering instruction in the following: Art ; drama; ballet and other dance ; driver education; bartending and cooking; language; computers and electronics; music. Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see “Child Day Care Facilities”). See also the definition of “Studios for Art, Dance, Music, Photography, etc.” for smaller scale facilities

offering specialized instruction.

Service Station: A retail business selling gasoline or other motor vehicle fuels, which may also provide services which are incidental to fuel services. These secondary services may include vehicle engine maintenance and repair, towing and trailer rental services, and convenience stores. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Service Station, Pump Island. A raised area on the site of a service station which accommodates pumps for dispensing fuel into vehicles, which is surrounded by vehicle circulation areas.

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the easement. See also "Yard." Figure 6-5 (Setbacks) shows the location of front, side, street side, rear, and interior setbacks.

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

Sewage Treatment System: A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, which utilizes subsurface soil treatment and disposal.

Sewer System: Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shopping Center: An integrated grouping of commercial stores, under single ownership or control.

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.

Short-term Rental: A commercial use which is subordinate to the residential Principal Use of a Dwelling Unit, in which the Dwelling Unit is made available for periods of less than one calendar month in return for remuneration. If a tenant leases a Dwelling Unit for a period of at least one calendar month, this is not a Short-term Rental, but instead is a residential Use

Sign. An object, device, display, or structure, or any part thereof, situated outdoors or indoors, which is used to identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected image. Specific definitions related to signs can be found in Chapter 30. (Signs).

Site: A parcel or adjoining parcels that have been legally tied under single ownership or single control, considered a unit for the purposes of development or other use.

Site Coverage: The percentage of total site area occupied by structures, and paving for vehicle use. Structure/building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall. Pavement coverage includes areas necessary for the ingress, egress, outdoor parking, and circulation of motor vehicles.

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

Solid Waste: Garbage, refuse, sludge from a water supply treatment plant or air containment treatment facility, and other discarded waste materials and sludge, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials, in irrigation return flows; or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

Stand. A structure for the display and sale of products with no space for customers within the structure itself.

Storage, Indoor. The storage of various materials entirely within a structure, as the primary use of the structure. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above, the space between the floor and the ceiling above. A semi-subterranean garage shall not be considered a story if the top of the garage is six feet or less above grade.

Street. A public thoroughfare accepted by the city, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this chapter.

Street Line. The boundary between a street right-of-way and property.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Zoning Ordinance, the term "structure" includes "buildings."

Studios for Art, Dance, Music, Photography, etc. Small scale facilities with one classroom/ instruction space, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools – Specialized education and training." These include facilities for: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and gymnastics studios with no other fitness facilities or equipment; yoga; and pilates.

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 twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Storage, Outdoor: Storage of any property not fully enclosed in a building or completely screened so as not to be visible from adjoining properties or street rights-of-way.

Story: The portion of a building including beneath the upper surface of a floor and upper surface of floor next above, except that the top most story shall be that portion of a building included between the upper surface of the top most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unfinished underfloor space is more than six (6) feet above "grade" as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above "grade" as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story.

Street Frontage: The proximity of a parcel of land to one or more streets. An interior lot has one street frontage and a corner lot has two (2) frontages.

Structure: Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built or and/or composed of parts joined together in some definite manner whether temporary or permanent in character.

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

Telecommunications Facilities. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

Temporary Structure. A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use. A use of land that is designed, operated and occupies a site for a limited period of time, in compliance with the terms of the applicable temporary use permit.

Theaters. Indoor facilities for public assembly and group entertainment, other than sporting events, including: civic theaters, and facilities for "live" theater and concerts motion picture theaters public and semi-public auditoriums similar public assembly uses. Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events.

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

Townhouses: Structures housing three (3) or more dwelling units contiguous to each other only by the sharing of one common wall, such structures to be of the townhouse or rowhouse type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances.

Trailer, Construction: A trailer temporarily located on a construction site for storage of equipment and other materials used in connection with development of property.

Trailer, Semi-Tractor: A trailer with a set or sets of wheels at the rear only, which may be supported in front by a truck, tractor or towing vehicle, and which is used for the purpose of, but not limited to, storage, transportation of freight, or holding freight for sale or lease.

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

Use: The purpose of activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained, and shall include the performance of

such activity as defined by the performance standards of this Ordinance.

Variance: The waiving by Board action of the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.

Vegetation: The sum total of plant life in some area; or a plant community with distinguishable characteristics.

Vertex: The corner point of a triangle, rectangle, or other geometric figure bounded by lines.

Veterinary Clinic: A clinic operated by a licensed veterinarian exclusively for the diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above.

Vehicle Maintenance and Repair. The repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational ehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories:

1. Major Repair/Body Work. Repair facilities dealing with entire vehicles. These establishments provide towing, collision repair, other body work, and painting services; and also include tire recapping establishments.

2. Maintenance/Minor Repair. Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, etc.). "Vehicle maintenance and repair" does not include automobile parking, repair shops that are part of a vehicle dealership on the same site (see "Vehicle Sales and Rental"); automobile service stations, which are separately defined; or automobile dismantling yards.

Vehicle Sales and Rental. Retail establishments selling and/or renting automobiles, trucks and vans. "Vehicle sales and rental" does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); bicycle and moped sales (see "General Retail Stores"); mobile home sales; tire recapping establishments; businesses dealing exclusively in used parts; or "Service Stations," which are separately defined.

Veterinary Clinics, Animal Hospitals, Kennels, Boarding. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Kennels and boarding operations are public or commercial facilities for the keeping, boarding or maintaining of four or more dogs four months of age or older, or four or more cats, except for dogs or cats in pet shops. See also "Pet Shops."

Warehousing, Wholesaling and Distribution: These facilities include:

1. **Warehousing:** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or ministorage facilities offered for rent or lease to the general public; warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution," below); or terminal facilities for handling freight.

2. **Wholesaling and Distribution:** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other whole salers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes: agents, merchandise or

commodity brokers, and commission merchants assemblers, buyers and associations engaged in the cooperative marketing of farm products merchant wholesalers - stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

3. **Wholesale Design Showrooms:** Wholesale business facilities for the display and marketing of home and business fixtures and furnishings.

Wing Wall. An extension of an exterior building wall using the same materials and colors of the other exterior building walls, which has the effect of partially or entirely "fencing" an outdoor area.

Wireless Communication Facility. Any public or private structure that supports antennae, microwave dishes, and other related equipment that sends and/or receives radiofrequency signals.

Waste: Infectious waste, nuclear waste, pathological waste, sewage sludge, solid waste, and hazardous waste.

Waste Facility: Property used for the accumulation, storage, processing, or disposal of waste.

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

Watercourse: A channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year around or intermittently.

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

Wetlands. An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation, and which may have the following characteristics:

- A. Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrub land, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetlands types 1, 2, 3, 4, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S. 1956".)
- B. Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and mulch).
- C. Soil which is waterlogged or covered with water at least three (3) months of the year.
- D. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and such property, may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage, but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Zero Lot Line. The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.

Yard: An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky, except for projections permitted by this Ordinance.

Yard, Front: The area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more major roads, both yards shall be considered front yards. A major road is any road that is of a collector designation or greater.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, Required: That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

Yard, Side: A yard between the side line of the lot and the nearest line of the principal building and extending from the front lot line of the lot to the rear yard.

Zoning District. Any of the residential, commercial, public, or overlay districts established by Chapter 16 of this Ordinance (Zoning Districts Established), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

Zoning Ordinance: The City of Osakis Zoning Ordinance, referred to herein as “this Ordinance.”