

Chapter 2

Rules and Definitions

2.01 For purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- (1) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (2) The word “shall” is mandatory and not discretionary. The word “may” is permissive.
- (3) Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular.
- (4) The words “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
- (5) All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken.
- (6) Words not specifically defined herein shall have the meaning as found in Webster’s Collegiate Edition Dictionary.
- (7) The phrase “building” shall include the word “structure”.
- (8) The words “land”, “property”, “parcel”, and “tract” are used interchangeably unless the context indicates otherwise.

2.02 **Definitions.** The following terms shall have the meaning as defined in this Ordinance.

- (1) **Accessory Structure.** A subordinate building or structure on the same lot detached from the principal structure and occupied by or devoted exclusively to an accessory use, which is incidental to the principal use.
- (2) **Accessory Use.** A use on the same lot with and of a nature which is clearly incidental and subordinate to a principal use.
- (3) **Advertising Device.** Any billboard, sign, notice, poster, display or other device in view of the general public which directs attention to a product, place, activity, person, institution or business.
- (4) **Adult Uses.** Adult uses include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse

facilities, adult enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. (Moved from performance standards)

- (5) Adult Bookstore. A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" or the barter, rental or sale of instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities, "Substantial or significant portion of items," for purposes of this ordinance, shall mean more than fifteen (15) percent of usable floor area. (Moved from performance standards)
- (6) Adult Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas." (Moved from performance standards)
- (7) Adult Conversation/Rap Parlor. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." (Moved from performance standards)
- (8) Adult Health/Sports Club. A health/sports club that excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." (Moved from performance standards)
- (9) Adult Massage Parlor. A massage parlor which restricts minors by reason of age, or which provides the service of "massage," if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." (Moved from performance standards)
- (10) Adult Mini-Motion Picture Theater. A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein. (Moved from performance standards)

- (11) Adult Motion Picture Theater. A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein. (Moved from performance standards)
- (12) Adult Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas". (Moved from performance standards)
- (13) Agricultural Land. Land that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was set aside to receive price support or other payments under United States Code, Title 7, Sections 1421 to 1469, six of the last ten years.
- (14) Agricultural Operation. A facility consisting of real or personal property used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, but not a facility primarily engaged in processing agricultural products or the transportation of agricultural products. Agricultural operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming.
- (15) Agricultural Use. The use of land for agricultural purposes, including but not limited to farming, dairying, pasturage agricultural, forestry, horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- (16) Alley. A public right-of-way, other than a street, providing an additional means abutting property.
- (17) Alteration. Any change, addition or modification in construction or occupancy of an existing structure.
- (18) 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. For

purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under this Ordinance.

- (19) Animal Feedlot, New. An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five years or more.
- (20) Animal Manure. Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation or other materials.
- (21) Animal Unit. 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, as listed in accordance with Minnesota Rules 7020.0300 Subp. 5.
- (22) Antenna. Equipment used for transmitting or receiving telecommunication, television, or radio signals, which is located on the exterior of, or attached to any tower, building or structure, but not including "satellite dish antennas".
- (23) Antenna-Commercial. Any pole, spire or structure, or any combination, to which an antenna is, or could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces erected for the commercial use of information.
- (24) Antenna-Private. Any antenna erected for the non-commercial use of information.
- (25) Basement. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level), on all four sides, regardless of the depth of excavation below ground level.
- (26) Bedrock. A general term for the rock, usually solid, that underlies soil or other unconsolidated superficial material.
- (27) Bluff. A natural topographic feature such as a hill, cliff, or embankment having the following characteristics:
 - (a) The slope rises at least twenty-five (25) feet above the toe of the bluff; and
 - (b) The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the toe of the bluff averages thirty (30) percent or greater;
 - (c) An area with an average slope of less than eighteen (18) percent over a horizontal distance of fifty (50) feet shall not be considered part of the bluff.
- (28) Bluff Impact Zone. A bluff and land located within 30 feet from the top and toe of a bluff.
- (29) Bluffland Areas. Any land formation in Wabasha County where the geomorphic features of the land conform to the definition of "Bluff" as found in this section.

- (30) Board of Adjustment. A quasi-judicial body, created pursuant to Minnesota State Statute §394.27, whose responsibility is to hear appeals from decisions of any order, requirement, decision or determination of any administrative official and to consider requests for variances permissible under the terms of this Ordinance.
- (31) Boathouse. A structure designed and used solely for the storage of boats or boating equipment.
- (32) Building. Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, chattel, or property of any kind.
- (33) Building, Principal. A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.
- (34) Building Height. The vertical distance measured from the ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the average height between eaves and ridge of gable, hip and gambrel roofs.
- (35) 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.
- (36) Building Setback. The minimum horizontal distance between a building and the lot line.
- (37) Cabin. A structure used for seasonal and/or recreational use, not to be considered or used as a primary dwelling. Cabins may be exempt from the requirement for enclosed bathrooms and complete kitchen facilities.
- (38) Carport. A structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed.
- (39) Child Day Care Facility. The provision of child day care provided in family day care homes, group day care homes, child day care centers, nursery schools, day nurseries, head start and extended school age care programs in or out of the child's home.
- (40) Children's Camp. A parcel or parcels of land with permanent buildings, tents or other structures together with appurtenances thereon, established or maintained as living quarter where food and lodging or the facilities thereof are provided for ten or more people, operated continuously for a period of five days or more each year for educational, recreational or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee. This definition does not include cabin and trailer camps, fishing and hunting camps, resorts, penal and correctional camps, industrial and construction camps, nor does it include homes operated for care or treatment of children and for the operation of which a license is required under the provisions of Minnesota Statutes Chapter 257.

- (41) Clearcutting. An area in which all of the trees have been or will be felled, bucked and skidded in one operation and/or the indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for development purposes.
- (42) Cluster Development. A pattern of subdivision development that places housing units into compact groupings while providing a preserved area of agricultural land for agricultural uses or a network of commonly owned or dedicated open space.
- (43) Commercial Use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- (44) Communication Tower. Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus, 35 feet or greater in height, above grade.
- (45) Community Building. Any structure intended for use as educational, recreational, social, service or governmental purposes by the general public.
- (46) Conditional Use/Interim Use. A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official controls or building codes, and upon a finding that: 1) certain conditions as detailed in the Zoning Ordinance exist, and 2) the structure and/or land use conform to the Comprehensive Land Use Plan, if one exists, and 3) the structure and/or land use is compatible with the existing neighborhood.
- (47) Contiguous Parcel. Two or more parcels of land that share a touching edge, property line or boundary. Parcels that are owned by the same individual(s) and located on opposite sides of a road are only considered contiguous when ownership is to the center of the road.
- (48) County Board. Includes the County Commissioners, the Board of County Commissioners, or any other word or words meaning the Wabasha County Board of Commissioners.
- (49) Cropland. Land that could be used primarily for the production of adapted, cultivated, close growing crops and trees for harvest, as determined by the Zoning Department.
- (50) Day Care. The care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24 hour day.

- (51) Day Care, Family. The day care for no more than ten children at one time of which no more than six are under school age, the total number of which includes all children of any caregiver when the children are present in the residence.
- (52) Day Care, Group Family. The day care for no more than 14 children at any one time, the total number of which includes all children of any caregiver when the children are present in the residence.
- (53) Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.
- (54) Development. Any man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.
- (55) Dredging. A method for deepening streams, swamps, or coastal waters by removing solids from the bottom.
- (56) Dwelling. A structure or any portion of a structure that is arranged, designed, or used as living or sleeping quarters. Homes, cabins, tiny homes, and manufactured homes shall be considered a dwelling.
- (57) Dwelling, Secondary Farm. A dwelling located on a farm, which the residents of said dwelling either operates or is employed in agricultural activities thereon.
- (58) Dwelling, Single Family. A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only.
- (59) Dwelling, Two-Family or Duplex. A dwelling on a single lot having two dwelling units separated by common walls with each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.
- (60) Dwelling, Multiple Family. A dwelling on a single lot having three or more dwelling units separated by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.
- (61) Dwelling Unit. A structure or portion of a structure that is arranged, designed or used as living quarters for one or more persons of a single family. Guesthouses or garage lofts with kitchen and bathroom facilities may be considered dwelling units.

- (62) Equal Degree Of Encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- (63) Essential Services. These uses include poles, towers, telephone booths, wires, cables, conduits, vaults, pipes, mains, pipelines, laterals, stations, substations or other associated or similar transmitting, distributing or regulating facilities of a public utility.
- (64) Extractive Use. The use of land for surface or sub-surface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
- (65) Family. A family is any number of persons living together in a room or rooms comprising of single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house, shall for the purpose of this Ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.
- (66) Farm. A parcel of land containing at least forty (40) acres (or quarter quarter section), or 2 or more abutting parcels under the same ownership having an area of at least forty (40) acres (or quarter quarter section), with a minimum of at least twenty (20) acres cropland. Smaller acreage may qualify as a farm if the principal use of the property is for agricultural production. A tree farm would qualify if registered with the State of Minnesota and has forty (40) acres of tree coverage. This definition shall not automatically be applied to any other code or ordinance. This definition as applies to this Zoning Ordinance shall be used only to determine if a property qualifies for a second farm dwelling.
- (67) Farmyard. The area of a farm immediately around the farm residence where accessory buildings are located and are being used exclusively for agricultural operations. The Zoning Administrator shall determine the area of the farmyard. In doing so, the Zoning Administrator shall take into consideration the layout of structures, development of the land, and topographical features of the land.
- (68) Flood. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- (69) Flood Frequency. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- (70) Flood Fringe. That portion of the floodplain outside of the floodway. Flood Fringe is synonymous with the term "Floodway Fringe" used in the Flood Insurance Study for Wabasha County.

- (71) Floodplain. The beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood.
- (72) Flood-Proofing. The combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- (73) Floodway. The bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining floodplain that are reasonably required to carry or store the regional flood discharge.
- (74) Floor Area, Ground. The area within the exterior walls of the main building or structure as measured from the outside walls at the ground floor level, not including garages, or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.
- (75) Forest Land Conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- (76) Forestry. The use and management, including logging, of a forest, woodland or plantation and related research and educational activities.
- (77) Garage, Private. An accessory building or portion of a main building designed or used for the storage of motor driven vehicles boats and similar vehicles owned and used by the occupants of the building to which it is accessory.
- (78) Gasoline Service Station. A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, repair, or similar servicing thereof.
- (79) Guest Cottage. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
- (80) Hardship. As defined in Minnesota Statutes, Chapter 394.27, Subd. 7.
- (81) Home Occupation. Any occupation, activity or profession carried out for financial gain engaged in by a resident of a home, which is clearly secondary to the principal use of the premises and retains the exterior character normally associated with a residential dwelling unit.

- (82) Hotel or Motel. Any building or structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure for sleeping accommodations are furnished to the public and furnishing accommodations for period of less than one week.
- (83) Hydric Soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- (84) Hydrophytic Vegetation. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
- (85) Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- (86) Intensive Vegetation Clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- (87) Junk/Salvage Yard. A place maintained for keeping or storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used, or second-hand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron, or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of three (3) or more inoperable motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.
- (88) Kennel, Animal: Any place where four (4) or more of any type of domestic or exotic pets over four (4) months of age are for profit boarded, bred, or offered for sale.
- (89) Livestock. Any beef or dairy cattle, swine, sheep, poultry, horses, ponies, deer, elk, emus, ostrich or other exotic animal, or other domesticated farm animal.
- (90) Lodging Establishment. A hotel, motel, lodging house, boarding house, resort or similar facility where sleeping facilities are offered to the public.
- (91) Lodging House. Any building or structure or any part thereof, kept, used, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and have five or more beds to let to the public.
- (92) Logging Operation. Operations associated with felling and moving trees and logs from the stump to the point of delivery, such as, but not limited to, marking dangerous trees

and trees/logs to be cut to length, felling, limbing, bucking, debarking, chipping, yarding, loading, unloading, storing, and transporting machines, equipment and personnel to, from and between logging sites.

- (93) Lot. A parcel of land legally subdivided by plat, metes and bounds, registered land survey, auditor's plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or operation.
- (94) Lot, Corner. A lot located at the intersection of two streets, having two adjacent sides abutting streets; the interior angles of the intersection does not exceed one hundred thirty-five (135) degrees.
- (95) Lot Area. The total horizontal area within the lot lines of the lot.
- (96) Lot Area, Buildable. That portion of the lot remaining after the deletion of any floodplain, road rights-of-way, building setbacks, wetlands or slopes of eighteen (18) or greater; conversely, a lot capable of meeting the requirements of this Ordinance including the provision of adequate area for the installation and maintenance of required on-site sewer and water facilities.
- (97) Lot Coverage. The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures and other non-porous surface, such as driveways and parking areas.
- (98) Lot Depth. The average horizontal distance between the front and rear lot lines.
- (99) Lot Frontage. The lot line separating the lot from the road right-of-way.
- (100) Lot Lines. The lines bounding a lot as defined in this Ordinance.
- (101) Lot of Record. Any lot which is one unit of a plat heretofore duly approved and filed, or a Registered Land Survey that has been recorded in the office of the County Recorder for Wabasha County, Minnesota, prior to February 1, 1998 with its own parcel number and description.
- (102) Lot Width. The distance between side lot lines measured at the required front setback line.
- (103) Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 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 the Building Code.

- (104) Manufactured Home Park. Any site, lot, field, or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
- (105) Mini-Warehouse. Also referred to as a self-service storage facility. A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.
- (106) Mining, Nonmetallic. The operations or activities used to extract from the earth mineral aggregates or nonmetallic minerals for sale or use by a landowner or operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging.
- (107) Motor Vehicle. Every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires. Motor vehicle does not include a vehicle moved solely by human power.
- (108) Motor Vehicle, Abandoned. Motor vehicles, defined in subd. 93 of this Section, which meet the definition of abandoned vehicle under Minn. Stat. §168B.011.
- (109) Motor Vehicle, Junk. A motor vehicle as defined in Subd. 93 of this Section which is not able to operate due to mechanical, other functional problems, which does not have affixed thereto a valid current motor vehicle license if of a type requiring a license to operate on the public highways, which is three years old or older, which is extensively damaged, and which has an approximate fair market value equal only to the approximate value of the scrap in it.
- (110) Nonconformity. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
- (111) Non-conforming Lot of Record. Any legal lot of record that at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Zoning Ordinance concerning minimum area or minimum lot width.

- (112) Non-conforming Structure. A structure the size, dimensions or location of which was lawful prior to the adoption of this Zoning Ordinance, but which fails, by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.
- (113) Non-conforming Use. A use or activity which was lawful prior to the adoption of this Zoning Ordinance but which fails, by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.
- (114) Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- (115) Ordinary High Water Level. The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- (116) Owner. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having a proprietary interest in the land.
- (117) Plain. Land having an average slope of less than eighteen (18) percent over a distance of fifty (50) feet or more.
- (118) Planning Commission. The Wabasha County Planning Commission.
- (119) Principal Use or Structure. All uses or structures that are not accessory uses or structures.
- (120) Public Waters. All waters as defined in Minnesota Statutes, Section 645.44, Subdivision 8a.
- (121) Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a Reach.
- (122) Recreational Camping Area. Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping

area” excludes children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules, United States forest service camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing.

(123) Recreational Camping Vehicle. When used in this Ordinance includes the following:

- (a) Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;
- (b) Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
- (c) Any portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle; and
- (d) Any folding structure mounted on wheels and designed for travel, recreation, and vacation use.

(124) Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 years recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

(125) Regulatory Flood Protection Elevation. An elevation no lower than one (1) foot above the elevation of the regional flood plus any increase in flood elevation caused by encroachments on the floodplain that result from designation of floodway.

(126) Resort. Any building, structure, or enclosure, or any part thereof, located on, or on property neighboring any lake, stream or skiing or hunting area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public, and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.

(127) Right-of-way. A strip of land acquired by purchase dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, utility lines and other similar uses.

(128) Right-of-way Lines. The lines that form the boundaries of a right-of-way.

(129) Sanitary Landfill. A disposal site employing methods of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest

practical volume and applying cover material over all exposed wastes at the end of each operating day.

- (130) Seasonal Labor Camp. Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops.
- (131) Selective Cutting. The removal of single scattered trees, provided a continuous tree cover is maintained within the structure setback areas.
- (132) Semipublic Use. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- (133) Sensitive Resource Management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
- (134) Setback. The minimum horizontal distance between a structure or sewage treatment system, or other facility and the ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line or other items as stated throughout this Ordinance.
- (135) Sewage Treatment System. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in the Wabasha County Individual Sewage Treatment Ordinance.
- (136) 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.
- (137) Shoreland. Land located within the following distances from public waters: One thousand (1,000) feet from the ordinary high water level of a lake, pond, the Mississippi River and its backwaters, or flowage, and three hundred (300) feet from a river or stream or the landward extent of a floodplain designated by Ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by natural topographic divides which may extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources.
- (138) 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.

- (139) Sign. The use of any words, numerals, pictures, figures, devices, or trademarks by which any information is made known, such as are used to show an individual, firm, profession, or business, and are visible to the general public.
- (140) Significant Historic Site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- (141) Sink Hole. A depression in the earth's surface caused by dissolving of underlying limestone, salt, or gypsum. Drainage is provided through underground channels that may be enlarged by the collapse of a cavern roof.
- (142) Specified Anatomical Areas. Less than completely and opaquely covered, human genitals, pubic region, buttocks, female breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered. (From performance standards)
- (143) Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttocks or female breast. (From performance standards)
- (144) 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 eighteen (18) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
- (145) Street. Any right-of-way that affords primary means of access by pedestrians and vehicles to abutting properties.
- (146) Structure. Anything constructed or erected on the ground, or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting any exemption criteria specified in this Ordinance, and other similar items. Fences **that are exempt from a building permit as per the MN building code** are excluded from this definition.

- (147) Structural Alteration. Any changes in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial change in the roof and exterior walls.
- (148) Subdivision. Land that is divided into two or more lots for the purpose of sale, rent, lease, or development including planned unit developments.
- (149) Surface Water Oriented Commercial Use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
- (150) Timber. Standing trees that because of their size, quality and number are marketable.
- (151) Timber Harvesting. The removal of timber from a woodland for commercial purposes including, but not limited to, paper or wood products.
- (152) Toe of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above (<18% to >18%). If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of the lowest fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen (18) percent.
- (153) Top of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above (>18% to <18%). If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of the highest fifty (50) foot segment, measured from the ground, with an average slope exceeding eighteen (18) percent slope.
- (154) Use. The purpose for which land or buildings thereon are designed, arranged or intended to be occupied or used, or for which they are occupied or maintained.
- (155) Variance. A modification of a specific permitted development standard required in an official control, including this Ordinance, to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, or unique circumstances as defined and elaborated upon in Minn. Stat. § 394.27.
- (156) Visually Inconspicuous. Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.
- (157) Water-oriented Accessory Structure or Facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the

relationship of its use to a surface water feature, placement needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

- (158) Watershed Management or Flood Control Structure. A dam, flood wall, wing dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of Natural Resources.
- (159) Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands shall have hydric soils, predominantly hydric vegetation, and display wetland hydrology.
- (160) Wetland on Agricultural Land. Wetland where greater than fifty (50) percent of its basin is located on agricultural land.
- (161) Wooded or Woodland. An area of at least one acre in size with a stand of trees that has a canopy cover, as shown on the most recent aerial photographs, of at least fifty (50) percent, having a minimum width of at least one hundred (100) feet.
- (162) Woody Vegetation. Includes trees that are not timber.
- (163) Yard. An open space at the grade line between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward. Yard measurements shall be the minimum horizontal distance between a lot line and the nearest line of the principal building.
- (a) Yard, Front. A yard extending across the full width of the lot between the front line and the nearest line of the principal building.
- (b) Yard, Rear. A yard extending across the full width of the lot between the rear lot line and the nearest line of the principal building.
- (c) Yard, Side. A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the principal building.
- (164) Zoning Administrator. The person(s) employed by the Board of County Commissioners to carry out the provisions of this Ordinance, or that person's designee.

- (165) Zoning District. The sections of the County for which the regulations governing the height, area, and use of buildings, and/or use of premises are the same as delineated by this Ordinance.
- (166) Zoning Map. The areas comprising those zoning districts and boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance, being designated as County of Wabasha Official Zoning Map, with all proper notations, references, and other information shown thereon.