

CHAPTER 51

AN ORDINANCE ESTABLISHING AN UPDATED AND CONTEMPORARY ZONING ORDINANCE TEXT AND ZONING MAP FOR THE CITY OF DELANO, MINNESOTA.

THE CITY COUNCIL OF THE CITY OF DELANO DOES ORDAIN:

SECTION 51.01. TITLE / APPLICATION / RULES / DEFINITIONS

Subd. A. Title and Application.

1. **Title.** This Ordinance shall be known, cited and referred to as the “Delano Zoning Ordinance” except as referred to herein, where it shall be known as “this Ordinance.”
2. **Intent and Purpose.** The intent of this Ordinance is to:
 - a. Protecting the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.
 - b. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration, and use of structures and land.
 - c. Protect neighborhoods.
 - d. Promote orderly development and redevelopment.
 - e. Provide adequate light, air, and convenience of access to property.
 - f. Prevent congestion in the public right-of-way.
 - g. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.
 - h. Provide for compatibility of different land uses.
 - i. Provide for administration of this Ordinance.
 - j. Provide for amendments.
 - k. Prescribe penalties for violation of such regulations.

- I. To define powers and duties of the City staff, the Board of Adjustment and Appeals, and the City Council in relation to the Zoning Ordinance.
3. **Relation to Comprehensive Plan.** It is the policy of the City of Delano that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Comprehensive Plan, as developed and amended from time to time by the City Council of the City. The City Council recognizes the Comprehensive Plan as the policy guide for responsible regulation of land use and development in accordance with the policies and purpose herein set forth.
4. **Minimum Requirements.**
 - a. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the City, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail. The Zoning Administrator shall determine which is more “restrictive” and appeals from such determination may be made in the manner provided herein.
 - b. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
5. **Conformance With This Ordinance.**
 - a. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.
 - b. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.
6. **Uses Not Provided for Within Zoning Districts.** Whenever in any zoning district, a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the City Council on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council or property owner, upon receipt of the staff study, shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

7. **Separability.** It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:
- a. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in such judgment.
 - b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
8. **Authority.** This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.364.
9. **Comprehensive Revision.** This Ordinance shall be a comprehensive revision to the Delano Zoning Ordinance, as amended. Except as otherwise provided herein, the provisions of this Ordinance are not intended to alter, diminish, or increase or otherwise modify any rights or liabilities existing on its effective date. Any act done, offense committed, or rights accruing or accrued, or liability, penalty incurred or imposed prior to the effective date of this Ordinance is not affected by its enactment.
10. **Repeal.** The previous Chapter 51, Delano Zoning Ordinance, is hereby amended in its entirety, as stated in this Ordinance.
11. **Fees.** No application for a Zoning Ordinance amendment, rezoning, conditional use permit, interim use permit, variance, administrative permit, or site and building plan review shall be accepted or considered by the City Council or any other body of the City unless such application is complete and accompanied by a deposit. The total fee for processing such application, which shall be paid by the petitioner to the City, shall be paid whether or not such application is approved or denied. The deposit shall be used to cover the total out of pocket expenses incurred by the City in processing such application, for such necessary items as, but not limited to, attorney's, planner's, and/or engineer's fees and costs, and any other costs incident thereto, and shall be in addition to a fee for the City staff services, to be paid to the City, which separate fees and deposits shall be established by City Council ordinance. The deposit shall not be considered as the total amount to be paid. The total amount shall be the actual amount expended plus the fee for the City staff services. Any unused portion of the required deposits will be returned to the petitioner. The fees established herein may be changed by the City Council from time to time, by resolution or ordinance, as appropriate. A copy of said ordinance shall be on file in the office of the City Clerk and available for inspection during regular City office hours.

Subd. B. Rules and Definitions.

1. **Rules.** The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:
 1. The singular number includes the plural, and the plural the singular.
 2. The present tense includes the past and the future tenses, and the future the present.
 3. The words “shall” and “must” are mandatory while the word “may” is permissive.
 4. The masculine gender includes the feminine and neuter.
 5. 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.
 6. In the event of conflicting provisions, the more restrictive shall apply.
 7. All measured distances expressed in feet shall be the nearest tenth of a foot.
 8. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirement for the promotion of health, safety, and welfare.
2. **Definitions.** The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

Accessory Building. A portion of the principal building or a detached structure on the same lot which is used for an accessory use.

Accessory Use. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Addition. A physical enlargement of an existing structure.

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.

Agricultural Farm Building. An accessory building designed, constructed, used or intended to house farm implements or agriculture areas, as defined by this

Ordinance, on an active farm operation of more than twenty (20) acres. A Minnesota Pollution Control Agency Permit may be required.

Agriculture. The production, keeping or maintenance, for sale, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agricultural land uses do not include slaughter houses or the processing of crops, produce, animals for public purchase or consumption as to constitute a commercial or industrial land use.

Animal Unit. A unit of measure used to compare differences in the production of animal wastes which has a standard amount of waste produced on a regular basis by a slaughter steer or heifer. For the purposes of this Ordinance, the following equivalents apply. To determine the animal unit measure for any animal not specific below, divide the average adult weight by one thousand (1,000).

	Animal Unit
(1) Slaughter Steer or Heifer	1.0
(1) Cow and Calf Pair	1.2
Mature Dairy Cow	
(1) Over 1,000 lbs	1.4
(1) Under 1,000 lbs	1.0
Swine	
(1) Over 300 lbs	.4
(1) Between 55-300 lbs	.3
(1) Under 55 lbs	.05
(1) Sheep	.4
(1) Duck	.01
Turkey	
(1) Over 5 lbs	.018
(1) Under 5 lbs	.005
Chickens (Dry Manure)	
(1) Over 5 lbs	.005
(1) Under 5 lbs	.003
(1) Chicken (Liquid Manure)	.033
(1) Horse	1.0

Animals, Domestic. For purposes of this Ordinance, domestic animals shall be defined as house pets such as dogs, cats, traditional and typical animal pets, and birds (not including pigeons, chickens, geese, turkeys or other domestic fowl)

which can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure requiring a building permit from the City. In addition, it includes rabbits normally sheltered outside the home.

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

Antenna Related.

1. **Personal Wireless Service.** A device consisting of a metal, carbon, fiber, or other electromagnetically conductive rods or elements on a single supporting pole or other structure, and used for the transmission and reception of wireless communications including cellular, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services.
2. **Public or Commercial 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.
3. **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 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 support 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. 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 and support structure thereof.
6. **Satellite Dish Height.** The height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.

7. Short-Wave Radio Transmitting and Receiving (Ham Radio). 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 and citizen band radio communications, and including the supporting structure thereof.
8. Secondary Use. A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.
9. Structure, Public. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned or rented, and operated by a federal, state, or local government agency.
10. Support Structure. Any building or other structure other than a tower which can be used for location of antennas.
11. Tower. Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.
12. Tower, Temporary Mobile. Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, which is commonly referred to as Cellular on Wheels (COW).

Apartment. A room or suite of rooms which is part of a larger structure designed for, intended for, or used as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

Applicant. The person(s) whose name(s) are on an application as owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Ordinance are being considered or reviewed.

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 for more than fifty (50) percent of its perimeter.

Bay. A part of a building projecting or cantilevered from the main part.

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

1. Part of all of the feature is located in a shoreland area.
2. The slope rises at least twenty-five (25) feet above the ordinary high water level of the water body.
3. 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.
4. 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.

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

Bluff, Top Of: The highest point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

Boarder. An individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

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 Land, Contiguous. Land area occurring within the property lines of a parcel or lot excluding wetlands, water bodies, 100 year flood fringe, transmission utility easements, or rights-of-way.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Building Coverage. The horizontal area measured within the outside of the exterior walls and supporting columns of the ground floor of all principal and accessory buildings on a lot.

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 measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.

Building, Pole. Any structure possessing the following characteristics: structural wood poles or timbers buried in ground without footings or with individual footings; metal wall coverings hung in a manner that the wall coverings provide structural support for the wood frame. Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utilities, or any other similar structure not covering or enclosing a specific area.

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

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

City Council. The governing body for the City of Delano.

Club or Lodge. A club or lodge is a non-profit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests.

Commercial Use. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services, including, but not limited to:

1. **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.
2. **Automobile Repair-Minor.** An establishment providing goods or services related to automobiles such as car washes, repair businesses limited to minor engine repair, fluid changing, tire service and muffler repair and other uses of similar character, but not including uses defined as a major automobile business or automobile sales.

3. Automobile Sales. The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers or recreational vehicles including any major or minor automobile repair or service uses conducted as an accessory use.
4. Automobile Service Station. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.
5. Hospitality Business. An establishment offering transient lodging accommodations on a daily rate to the general public, leasable events, meeting or conference facilities and exhibition halls or other uses of similar character including hotels, motels, convention facilities, and hospices.
6. Liquor Sales, Off-Sale. Licensed sale of intoxicating beverages for consumption off site.
7. Liquor Sales, On-Sale. Licensed sale of intoxicating beverages for consumption at the premises where the beverage is purchased.
8. 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.
9. Office Business-Clinic. An establishment located within a building or portion of a building providing out-patient health services to patrons, including general medical clinics, mental health providers, chiropractor, dentists, orthodontia, oral surgeons, opticians, and other uses of similar character.
10. Office Business-General. An establishment located within a building or portion of a building for the conduct of business activities involving predominantly professional administrative or clerical service operations including attorneys, financial advisors, insurance, travel, real estate, and other uses of similar character.
11. Personal Service. Personal services shall include the following: barber shops, beauty salon, electrolysis, manicurist, tanning parlor, physical therapy, therapeutic massage, and tattooing.
12. Recreational Business. Arcade, health club, gymnasium, bowling alley, billiard (pool) hall, dance hall, dance studio, skating rinks, theaters, and indoor firearms range. Activities are contained within a building.

13. **Restaurant.** An establishment that serves food in individual servings for consumption on or off premises, including sit-down restaurants, take out, pick up, or delivery food sales, but not including drive-through facilities. Outdoor dining areas and drive-through facilities may or may not be allowed in each zoning district: they are not automatically allowed when a restaurant is an allowable use.
14. **Retail Business.** An establishment engaged in the display and sale of products produced off-site directly to consumers within a building or portion of a building excluding any exterior display and sales. (Exception – sexually oriented uses)
15. **Service Business, Off-Site.** A company that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the service is provided at the customer's location, including delivery services, catering services, plumbing and sewer services, and other uses of similar character.
16. **Service Business, On-Site.** An establishment that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as banks (not including drive-through facilities), copy centers, laundromats, dry cleaners, funeral homes and mortuaries, appliance repair, tailor shops, and travel bureaus.

Comprehensive Plan. A Comprehensive Plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Conditional Use. A land use or development that may not be appropriate generally within a certain district but may be allowed in that district with appropriate restrictions, conditions or limitations as imposed by the City Council

Conditional Use Permit. A permit issued by the City Council in accordance with the procedures specified within this Ordinance as a device to enable the City Council to assign conditions to a proposed use or development after consideration of the adjacent land uses and the special characteristics which the proposed use presents.

Condominium. A multiple family 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 sections 515A.1-101 et seq.

Condominium Association. The community association that administers and maintains the common property and common elements of a condominium.

Critical Root Zone (CRZ). An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter, e.g., a twenty (20) inch diameter tree has a CRZ with a radius of twenty (20) feet.

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

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.

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.

Drainage. The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

Drainageway. Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

Drip Line. The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree or one (1) foot per one (1) inch of diameter, whichever is greater.

Drive-Through Facilities. Physical facilities that permit customers to receive services or obtain goods while remaining in their motor vehicles. Examples include, but are not limited to, bank, drug store, and restaurant drive-through facilities.

Driveway. A private roadway providing access for vehicles to a parking space, garage, dwelling or other structures.

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 and boarding houses.

Dwelling, Efficiency. A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

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, 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.

Dwelling, Single Family Detached. A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Townhouse. A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Dwelling, Two-Family. A structure containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

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.

Elderly (Senior Citizen) Housing. A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over fifty-five (55) years of age or older.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground or overhead telephone,

gas, electrical, communication, water or sewer transmission, distribution, collection, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Personal wireless service and commercial broadcasting antennas and towers shall not be considered an essential service.

Exterior Storage/Storage Yards. An outside area where equipment, vehicles, trailers, or material relating to the principal use of a parcel of land is stored. This includes semi-trucks and trailers. The stored items are not for sale or display but are used in the everyday operation of the principal use. Also referred to as “outdoor storage.” Outdoor sales lots are not outdoor storage but are distinct uses regulated by this ordinance.

Family. One (1) 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. Real property used for commercial agriculture or horticulture comprising at least twenty (20) contiguous acres and which may contain other contiguous or noncontiguous acreage, all of which is owned or leased and operated by a single family, family corporation, individual or corporation.

Farm, Limited (Hobby Farm). A limited farm is a food producing use primarily intended for the use of the residents and on parcels of from one (1) to twenty (20) contiguous acres in size. Limited farming uses may include the production of crops, such as fruits, vegetables, flowers, plants, shrubs and trees. Animals and domestic pets may be allowed subject to the provisions of City Code Sections 502 and 503.

Feedlot. A confined area or structure used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate but not including barns, pens or other structures used in a dairy farm operation.

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.

Fence, Boundary Line. All fences located on or within one (1) foot of a property line.

Fence, Interior Yard. All fences located two (2) feet or beyond a property line.

Filter Strip. A linear strip of land along a lake, wetland, river, creek, or stormwater ponding area where vegetation is established and maintained as a

means to slow the velocity of stormwater drainage and to filter sediment and pollutants from the stormwater.

Filling. The act of depositing any rock, soil, gravel, sand or other material on a site.

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

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

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 floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.

Garage. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on.

Gazebo. A freestanding accessory structure or pavilion from which views of surrounding scenery are commonly offered. Such structures are characterized by partly open construction, design symmetry, and the use of ornamental architectural features.

Grade (Adjacent Ground Elevation). The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and 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 Plan. Existing topography and proposed finished grades with a contour interval of no greater than two (2) feet clearly indicating the relationship of proposed changes to existing topography and remaining features.

Greenway. Land shown in the Comprehensive Plan that is intended to:

1. Preserve contiguous open space to define neighborhoods.
2. Preserve ecologic features and function of unique environmentally sensitive areas.
3. Protect a diversity of natural features and habitat.
4. Provide for passive recreational trail opportunities.

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

Home Occupation. An occupation or business activity that results in a product or service and is conducted in whole or in part in a residential dwelling unit, and is subordinate to the residential use of the dwelling.

Home Office. A room or den within a residential dwelling designed and/or equipped to conduct the business or household affairs exclusive to the property owner without on-site customer service, on-site production, and on-site product storage. The office must not produce noise, odor, vibration, or traffic.

Homeowners Association. A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

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

Individual Sewage Treatment System or Individual Sewage Disposal System. A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Individual sewage treatment system includes holding tanks and privies (per Minnesota Rules 7080).

Interim Use. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow said use.

Irrigation System. Any structure or equipment, mechanized or other, used to supply water for landscaping, vegetation, commercial agriculture or horticulture, including, but not limited to, wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.

Junk Yard. Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other type of junk.

Kennel, Commercial. Any structure or premises on which three (3) or more dogs or cats, of one species, over six (6) months of age are kept, owned, boarded, groomed, sheltered, protected, bred, or offered for sale or any other merchandising that is not defined as a private kennel. Every commercial kennel shall be enclosed or fenced in such manner as to prevent the running at large or escape of animals confined therein.

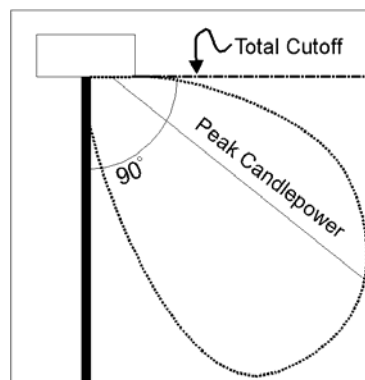
Kennel, Private. Any structure or premises on which between three (3) and six (6) dogs, over six (6) months of age are kept for private enjoyment and not for monetary gain. Every kennel shall be enclosed or fenced in such manner as to prevent the running at large or escape of animals confined therein.

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.

Lighting Related:

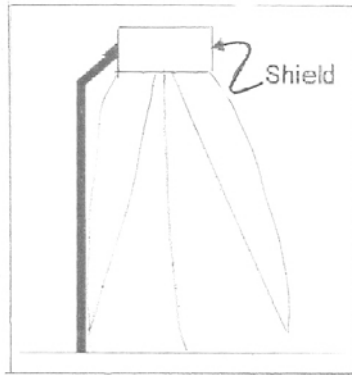
1. **Cutoff.** The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.
2. **Cutoff Angle.** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted (see Figure 1).

Figure 1. Cutoff Angle



3. Cutoff Type Luminaire. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
4. Flashing Light. A light source which is not constant in intensity or color at all times while in use.
5. Foot candle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
6. Light Source. A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
7. Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
8. Outdoor Lighting. Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on freestanding poles.
9. Outdoor Light Fixture. Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for:
 - a. Buildings and structures.
 - b. Recreational areas.
 - c. Parking lot lighting.
 - d. Landscaping lighting.
 - e. Signs.
 - f. Street lighting.
 - g. Product display area lighting.
 - h. Building overhangs and open canopies.
10. Security Lighting. Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

Figure 2 – Shielding



11. **Shielding.** A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture (see Figure 2).
12. **Spillage.** Any reflection, glare or other artificial light that emits onto any adjoining property or right-of-way and is above a defined maximum illumination.

Lot. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this zoning regulation, having not less than the minimum area required by this Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street, or a proposed street approved by the Council.

Lot of Record. A contiguous parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, that has one legal description and parcel identification number recorded with the Wright County Property Records Department. Also referred to as a “parcel.”

Lot Area. The total area within the lot lines of a lot measured in a horizontal plane.

Lot, Base. Lots meeting all the specifications in the zoning district prior to being subdivided into a two family dwelling or townhome subdivision.

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 Depth. The mean horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Lot, Double Frontage. A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot.

Lot Front. The front of a lot shall be, for purposes of complying with this Ordinance, that boundary abutting a public right-of-way having the least width.

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 position 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, Rear. The lot line opposite and most distant from the lot frontage which connects the side lot lines. For the purposes of this Ordinance, the rear lot line of a triangular lot shall be a line entirely within the lot at least ten (10) feet long and parallel to and most distance point from the front lot line. If the front lot line on such a lot is curved, the rear lot line shall be parallel to a line tangent to the front lot line.

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.

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

Lot Width. The horizontal distance between the side lot line of a lot measured at the front building setback line and parallel to the front lot line. If the front lot line is curved, such as on a cul-de-sac, the lot width is measured along a line parallel to a tangent to the front lot line.

Marquee. A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Mini (Self) Storage. An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household goods or personal belongings.

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.

Non-Conforming Uses. A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such

adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nuisance. Anything defined as a nuisance by Section 800 of the City Code.

Nursing Home (Rest Home). A building having accommodations where care for pay is provided for two (2) or more invalids, infirm, aged or convalescent persons who are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.

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 display of merchandise for sale and/or rent.

Open Space. Any parcel or area of land or water, dedicated, designated or reserved for public or private recreational and enjoyment of owners and occupants of land containing or adjoining such open space.

Ordinary High Water Level (OHWL). The boundary of public waters and wetlands as determined by the Minnesota Dept. of Natural Resources: 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.

Parcel. A contiguous tract or area of land established by plat, subdivision, or as otherwise permitted by law, that has one legal description and parcel identification number recorded with the Wright County Property Records Department. Also referred to as a "lot" or "lot of record."

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking Space. A space for the parking of a motor vehicle within a public or private parking area.

Party Wall. A common shared wall between two (2) separate structures, buildings, or dwelling units.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Planned Unit Development. An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and/or one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of non-residential uses to residential uses as shall be specified.

Principal Building. A building in which the principal use of the lot is conducted.

Principal Use. The primary or predominant use of any lot and/or building.

Public Waters. As defined in Minnesota Statutes section 103G.005, subdivision 15:

1. Public Waters, General Development. Those waters whose shores are generally characterized by medium density residential development with or without limited service-oriented commercial development.
2. Public Waters, Natural Environment. Generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
3. Public Waters, Recreational Development. Generally medium sized lakes of varying depths and shapes with a variety of landform, soil and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year round residences and recreational-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.
4. Public Waters, Tributary Rivers. Segments consisting of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.

Recreational Vehicle. A vehicle designed and used for recreational purposes and enjoyment including, but not limited to, snowmobiles, motorized all terrain vehicles, boats, boat trailers, race cars, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Regulatory Flood Protection Elevation. A point not less than one (1) foot above the elevation of the floodplain, plus any increases in flood heights

attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

Relative. Father, mother, brother, sister, son, daughter, son-in-law or daughter-in-law related by blood or law.

Residential Facility, State Licensed. Any program, defined by Minnesota Statutes section 245A.02, subdivision 14, that provides twenty four (24) hour a day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside a person's own home, including a nursing home or hospital that receives public funds, administered by the commissioner of the Department of Human Services to provide services for five (5) or more persons whose primary diagnosis is mental retardation or a related condition or mental illness and who do not have a significant physical or medical problem that necessitates nursing home care; a program in an intermediate care facility for four (4) or more persons with mental retardation or a related condition; a nursing home or hospital that was licensed by the commissioner of the Department of Human Services on July 1, 1987, to provide a program for persons with a physical handicap that is not the result of the normal aging process and considered to be a chronic condition; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under Minnesota Statutes 254B. Residential programs include home and community-based services for persons with mental retardation or a related condition that are provided in or outside of a person's own home.

Setback. The minimum horizontal distance between a structure, individual sewage treatment system, or other facility, and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.

Sexually Oriented Activities Related Terms.

1. **Sexually Oriented Uses.** Sexually oriented uses include adult bookstores, adult motion picture theaters, adult massage parlors, adult steam room/boathouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota Statutes 617.241 are not included.

a. Specified Anatomical Areas:

- 1) Less than completely opaquely covered human genitals, pubic region, buttock anus, or female breast(s) below a point immediately above the top of the areola; and
- 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

b. Specified Sexual Activities:

- 1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a relationship, and any of the following: sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- 2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- 3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- 4) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
- 5) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
- 6) Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
- 7) Human excretion, urination, menstruation, vaginal or anal irrigation.

2. **Sexually Oriented Use - Accessory.** The offering of retail goods for sale which are classified as sexually oriented uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult

magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties, and the like.

3. **Sexually Oriented Uses - Principal:** The offering of goods and/or services which are classified as sexually oriented uses as a primary or sole activity of a business or establishment and include but are not limited to the following:
- a. **Sexually Oriented Use - Body Painting Studio.** An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."
 - b. **Sexually Oriented Use - Bookstore.** A building or portion of a building used for barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, compact discs, computer software, digital recordings, motion picture film, or other communication mediums if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or 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."
 - c. **Sexually Oriented Use - 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."
 - d. **Sexually Oriented Use - Companionship Establishment.** A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
 - e. **Sexually Oriented Use - 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.”

- f. Sexually Oriented Use - Health/Sport Club. A health/sport club which 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.”
- g. Sexually Oriented Use - Hotel or Motel. Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
- h. Sexually Oriented Use - Massage Parlor, Health Club. A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- i. Sexually Oriented Use - Mini-Motion Picture Theater. A building or portion of a building with a capacity for less than 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 “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- j. Sexually Oriented Use - Modeling Studio. An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- k. Sexually Oriented Use - Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”

- l. Sexually Oriented Use - 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 "specified anatomical areas" for observation by patrons therein.
- m. Sexually Oriented Use - Novelty Business. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
- n. Sexually Oriented Use - Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- o. Sexually Oriented Use - Steam Room/Bathhouse Facility. A building or a 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."

Shoreland. Land located within the following distances from public waters: one thousand (1000) feet from the ordinary high water level of a lake, pond or flowage and three hundred (300) feet from a river or stream or the landward extent of a floodplain designated in Delano Ordinance No. O-06-08 on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources.

Shoreland 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.

Sign Related:

1. Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, 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 images.
2. Sign, Address. A sign communicating only a street address.
3. Sign, Advertising. A sign used to advertise products, goods or services not exclusively related to the premise on which the sign is located.
4. Sign Area. The area within the marginal lines of the surface of a sign which bears the advertisement or, in the case of messages, figures or symbols attached directly to a building or sign structure, that area which is included in the smallest rectangle or series of geometric figures used to circumscribe the message, figure or symbol displayed thereon.
5. Sign, Area Identification Sign. A freestanding sign identifying the name of a single or two family residential subdivision consisting of twenty (20) or more lots; a residential planned unit development; a multiple residential complex consisting of three (3) or more independent operations; a single business consisting of three (3) or more separate structures; or any integrated combination of the above. The sign shall only identify an area, complex or development and shall not, unless approved by the Council, contain the name of individual owners or tenants. The sign may not contain advertising.
6. Sign, Banners and Pennants. Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.
7. Sign, Billboard. An advertising sign.
8. Sign, Building Façade. That portion of the exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
9. Sign, Business Identification Sign. Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premises where the sign is located.

10. Sign, Campaign. A temporary sign promoting the candidacy of a person running for governmental office, or promoting an issue to be voted on at a governmental election.
11. Sign, Canopy. Message or identification affixed to a canopy or marquee that provides a shelter to cover over the approach to any building entrance.
12. Sign, Construction. A sign at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
13. Sign, Directional. A sign erected with the address and/or name of a business, institution, church or other use or activity plus directional arrows or information on location.
14. Sign, Directory. An exterior informational wall sign which identifies the names of businesses served by a common public entrance in a shopping center or office building.
15. Sign, Flashing. An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color when the sign is illuminated.
16. Sign, Freestanding. Self-supported sign not affixed to another structure (see pylon and monument signs).
17. Sign, Height. The vertical distance measured from the grade to the top of such a sign.
18. Sign, Holiday. A sign promoting an event associated with a religious, national or civic holiday.
19. Sign, Illuminated. Sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.
20. Sign, Informational. Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification. Gas price and menu board signs are examples of informational signs.
21. Sign, Institutional. A sign which identifies the name and other characteristics of a public or semi-public institution on the premises where the sign is located.
22. Sign, Integral. A sign carrying the name of a building, its date of erected, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or

other permanent type of construction and made an integral part of the structure.

23. Sign, Logo. Any letter, character, symbol, or abbreviation used to represent an entire word or group of words denoting the name of purpose of any business. For purposes of this Ordinance, a trademark may qualify as a symbol, but only if any brand name or other word used therein is a single letter, character or an abbreviation.
24. Sign, Menu Board. An outdoor sign containing a food price list for convenience food restaurant customers, utilizing drive through facilities.
25. Sign, Monument. Any sign that is not affixed to any other structure and is self-supported vertically by a solid base extending horizontally for a minimum of the entire length of the sign face, with a base height of three (3) feet above ground. The base and supporting material shall constitute at least forty (40) percent of the total allowable sign square footage, and shall be attached to the ground for its entire horizontal length. The base shall be decay resistive wood, stone, brick, decorative masonry or colored metal, and shall not contain any sign copy.
26. Sign, Motion. Any sign which revolves, rotates, has moving parts, or gives the illusion of motion.
27. Sign, Portable. A sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device, or structure.
28. Sign, Projecting. A sign, other than a wall sign, which is affixed to a building and perpendicular to the building wall.
29. Sign, Pylon. A freestanding sign supported by means of wood, metal or other posts, pillars, beams, etc. anchored in the ground to form a stable base for the attachment of a sign structure.
30. Sign, Reader Board. A sign with an electronic changing message.
31. Sign, Real Estate. A business sign placed upon a property advertising that particular property for sale, for rent or lease.
32. Sign, Roof. Any sign which is erected, constructed, or attached wholly or in part upon or over the roof of a building.
33. Sign, Structure. The supports, uprights, bracing and framework for a sign including the sign area.

- 34. **Sign, Temporary.** Any sign which is erected or displayed for a specified period of time.
- 35. **Sign, Wall.** A sign which is affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than twelve (12) inches from the surface to which is attached, nor extend beyond the top of the parapet wall.
- 36. **Sign, Wall Graphic.** A sign which is painted directly on an exterior wall surface.
- 37. **Sign, Window.** A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening device; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

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

Slope, Steep. 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.

Sport Court. A facility that typically includes a paved playing surface for one or more sport activities such as, but not limited to, tennis, basketball, or volleyball.

Stable, Commercial. The business of boarding horses for fee for persons not residing on the premises and may include instruction, exhibition and sale of horses. This shall include the raising and breeding of horses.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor 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 or unused under-floor space shall be considered as a story.

Story, First. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

Street. A right-of-way affording access by pedestrians and vehicles, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Private, ingress and egress easements shall not be considered streets.

Street, Cul-de-Sac. A local street, one end of which is closed and consists of a circular turn around.

Street, Collector. A street which collects traffic from local streets and connects with minor and major arterials. See City's Functional Classification System for Roadways contained in the Comprehensive Plan.

Street, Local. A street designed to provide vehicular access to abutting property and to discourage through traffic. See City's Functional Classification System for Roadways contained in the Comprehensive Plan.

Street, Minor Arterial. A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets. See City's Functional Classification System for Roadways contained in the Comprehensive Plan.

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

Structure Alteration. Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

Substantial Improvement. Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or if the property has been damaged and is being restored, before the damage occurred.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above surface pool having a depth of more than thirty (30) inches designed, used and maintained for swimming and bathing.

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.

Tree. Any of the following type of trees, as each is defined herein:

1. **Coniferous Tree.** A woody plant which, at maturity, is at least twelve (12) feet or more in height, having foliage on the outermost portion of the branches year round.
2. **Deciduous Tree.** A woody plant which, at maturity, is at least fifteen (15) feet or more in height, having a defined crown, and which sheds leaves annually.
3. **Significant Tree.** A healthy tree measuring a minimum of six (6) inches in diameter for deciduous trees, or a minimum of twelve (12) feet in height for coniferous trees.
4. **Significant Tree Stand.** A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of deciduous trees six (6) inches or larger in diameter or coniferous trees twelve (12) feet or higher in height.
5. **Specimen Tree.** A healthy hardwood tree measuring equal to or greater than thirty (30) inches in diameter and/or a coniferous tree measuring fifty (50) feet or greater in height.

Tree Certification. A certified inventory of trees on the site after work is complete listing all trees and their final disposition, which is signed by a licensed forester or landscape architect.

Tree Preservation Plan. A plan and inventory certified by a forester or landscape architect indicating all of the significant trees and their locations in the proposed development or on the lot. The tree preservation plan shall include the size, species, tag numbers, and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.

Trucking Terminal. Land or buildings used primarily as a relay station for the transfer of freight from one vehicle to another or one party to another rather than

permanent or long term storage. The terminal facility might include storage areas for trucks and buildings for truck maintenance and repair.

Variance. A modification of the strict provisions of this Ordinance as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship imposed upon the property by this Ordinance. A variance shall normally be limited to height, density and yard requirements. A modification in the allowable uses within a district shall not be considered a variance.

Waterbody or Watercourse. Any natural or man-made passageway on the surface of the earth so situated and having such a topographical nature that surface water stands or flows through it from other areas. The term includes ponding areas, drainage channels, swales, waterways, creeks, rivers, lakes, streams, wetland areas, and any other open surface water flow which is the result of storm water or ground water discharge. This term does not include man-made piping systems commonly referred to as storm sewers.

Wetlands. An area where water stands near, 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:

1. 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 wetland 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".)
2. Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and mulch).
3. Soil which is water logged or covered with water at least three (3) months of the year.
4. 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 preeminently terrestrial.

Yard. An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.

Yard, Front. An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.

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, Side. A yard on each side of the building between the building and the side line of the lot and extending from the front yard to the rear yard.

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

Zoning Administrator. The City staff person who is charged with the administration and enforcement of this Ordinance.

