

§ 150.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURES. A structure for uses relating to, but subordinate to the main use of the property and located on the same lot as the main use and which can meet the minimum setback requirements unless excepted herein, including, but not limited to: private garages, sheds, antennas, walls, loading docks, gazebos, pools, outbuildings, storage facilities, private greenhouses and fences. This chapter treats signs as a separate use.

ACCESSORY USE. A use that is subordinate and incidental to the principal use of the lot. Including, but not limited to: parking areas, drive ways, personal storage, and home occupations.

AGRICULTURE. The cultivation of the soil and activities incidental thereto, the growing of soil crops, greenhouses and the raising of livestock, including selling of products raised on the premises but not other retail selling or processing.

ALLEY. A public right-of-way less than 30 feet in width which affords secondary access to abutting property.

ASSISTED LIVING. Apartment living with individualized services which may include 24-hour oversight, transportation, meals and personal attendance.

AWNING. A temporary hood or cover which projects from the wall of a building, and of a type which can be retracted, folded or collapsed against the face of a supporting building.

BALCONY. A landing or porch projecting from the wall of a building and which serves as a means of egress.

BANNERS. Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

BASEMENT. A portion of a building located partially underground, but having less than one-half its floor to ceiling height below the average land grade.

BED AND BREAKFAST FACILITY. A dwelling in which the owner or manager resides which contains six or less guest rooms in which lodging is provided for compensation, which is open for temporary guests and in which no provision is made for cooking in the guest rooms.

BLUFF. A topographic feature such as a hill, cliff or embankment having the following characteristics (an area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and

(4) The slope must drain toward the waterbody.

BOARDING. The renting out of rooms of a single-family dwelling people, with no separate cooking facilities, access or extra garage.

BOATHOUSE. A structure designed and used solely for the storage of boats or boating equipment.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

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

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

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

CAMPGROUND. An area used on a daily, nightly or weekly basis for the accommodation of three or more occupied tents, expandable camp trailers, motor homes, travel trailers and converted buses or trucks; whether privately or publicly owned; and whether use of such accommodation is granted free of charge or for compensation.

CARPORT. A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three sides.

CELLAR. That portion of a building having more than one-half of the floor to ceiling height below the average land grade.

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

CHURCH.

CITY. The incorporated City of Waterville, LeSueur County, State of Minnesota.

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

COUNCIL. The City Council of Waterville, Minnesota.

CROWDING POTENTIAL. The ratio of total acreage to shore miles.

DAY CARE FACILITY. Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habitation, rehabilitation, or development guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. **DAY CARE FACILITIES** include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs and day services.

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 feet above ground.

DIVERSION. A channel that intercepts surface water run-off and that changes the accustomed course of all or part of a stream.

DOG KENNEL. Any place where three dogs or more, over six months of age, are boarded, bred and/or offered for sale except as a veterinary clinic.

DRAINING. The removal of surface water or ground water from land.

DREDGING. To enlarge or clean-out a waterbody, watercourse, or wetland.

DUPLEX, TRIPLEX and QUAD. A multi-family dwelling structure on a single lot, having two, three and four dwelling units, respectively.

DWELLING. A structure used for living quarters.

DWELLING, MULTI-FAMILY. A dwelling containing more than one dwelling unit.

DWELLING, SINGLE-FAMILY. A dwelling containing one dwelling unit.

DWELLING SITE. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING UNIT. A dwelling, or portion thereof, designed with its own kitchen, access and/or other features which make it livable separately from other dwellings or portions thereof.

EARTH SHELTERED DWELLING UNIT. A structure which complies with applicable building standards and which is constructed so that:

- (1) Eighty percent or more of the roof area is covered with a minimum depth of 12 inches of earth; and
- (2) Fifty percent or more of the wall area is covered with a minimum depth of 12 inches of earth.

EASEMENT. A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to wetlands, ponding area, sanitary sewer, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Waterville - Land Usage

EFFICIENCY APARTMENT. A dwelling unit that is part of and subordinate to a principal single-family dwelling and designed for three or less people and with no extra driveway or garage and no additional outside appearance than found in single family residential areas.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings other than directly needed for the essential service.

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time.

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.

FENCE. A fence is defined for the purpose of this chapter as any partition, structure, wall or gate erected as a dividing marker, barrier, or enclosure.

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

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

GARAGE, DETACHED. Any garage that is not structurally incorporated into the dwelling structure with common wall and roof. Just a connection such as a breezeway or overhang would be characterized as detached.

GARAGE, PRIVATE. Any accessory building or accessory portion of the principal building which is intended for and used for personal vehicles or storage and that is greater than 200 square feet in floor area. (See **STORAGE SHED.**)

GRADE (ADJACENT GROUND ELEVATION). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

GRADING. Changing the natural or existing topography of land.

GROUP CARE FACILITY. A facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals are physically challenged, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses such as homes for the physically challenged, mentally challenged, chemically dependent, maternity shelters and half-way houses.

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 unit on a lot.

HARDSHIP. Hardship means that a property in question regarding a variance cannot be put to reasonable use if used under conditions allowed by official contracts.

HOME OCCUPATION. An occupation taking place as subordinate to a principle residential use and operated by an occupant of the dwelling.

HOTELS. Any building or portion thereof where lodging is offered to transient guests for compensation.

IMPERVIOUS SURFACE. An artificial or natural surface through which water, air, or roots cannot penetrate.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

JUNK YARD. Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to: scrap metal, rags, paper, hides, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles.

KENNEL. Any structure or premises on which five or more domestic animals over four months of age are kept.

LAND ALTERATION. The altering of land, including mining, excavating, reclaiming, grading and filling.

LOADING SPACE or BERTH. A space accessible from a street, alley, or way, in a building or on a lot for the use of vehicles while loading and unloading merchandise, materials or passengers.

LODGING HOUSE. A building other than a hotel, where for compensation for definite periods, lodging is provided for three or more persons not of the principal family, but not including a building providing this service for more than ten persons.

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

LOT, DEPTH. The shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.

LOT, DOUBLE FRONTAGE. An interior lot having frontage on two streets.

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

LOT, INTERIOR. A lot other than a corner lot, including through lots.

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

LOT OF RECORD. A parcel of land that has been split and legally recorded with the County Recorder.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

MANUFACTURED HOME. A **MANUFACTURED SINGLE-FAMILY DWELLING** is 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 for one family, 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 to which the manufacturer voluntarily files a certification required by the Secretary (US-HUD) and complies with the building code as evidenced by a seal displayed on the manufactured home.

MANUFACTURED HOME PARK. Any lot or part thereof, or any parcel of land which is used or offered as a location for two or more manufactured homes.

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

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 the premises, and including minor accessories and services for automobiles, but not including major repairs and rebuilding.

NATURAL DRAINAGE SYSTEM. All land surface areas which by nature of their contour, configuration, collect, store and channel surface water run-off.

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

NONCONFORMING. A use, structure or lot of record that does not conform to the requirements of this chapter. It is legally nonconforming if meeting applicable city ordinance requirements when created or started.

NURSING HOME (REST HOME). A building having accommodations where care is provided for two or more invalids, infirm, aged, convalescent or physically challenged persons that are not of 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. The space shall be of such size as to accommodate one truck of the type typically used in the particular business.

OPEN SALES LOT. Any open land used or occupied for the purpose of buying, selling, and/or renting merchandise and for the storing of same prior to sale.

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

PARKS and PLAYGROUNDS. Public land and open space in the city dedicated or reserved for recreational purposes.

PERMITTED USE. A use which may be lawfully established in a particular district or districts, provided it conforms with all other requirements, regulations, and performance standards.

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

PLANNED UNIT DEVELOPMENT (PUD). A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density

increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

PLANNED UNIT DEVELOPMENT, COMMERCIAL. *PUDs* that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

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

PLANNING COMMISSION. The **PLANNING COMMISSION** of Waterville, Minnesota.

PRINCIPAL USE. The main use of land or buildings as distinguished from subordinate or accessory uses. A **PRINCIPAL USE** may be either permitted or conditional.

PUBLIC IMPROVEMENTS. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the city may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

PUBLIC USES. Uses owned or operated by municipal, school districts, county, state, or other governmental units.

PUBLIC WATERS. Any waters as defined in M.S. § 103G.005, as it may be amended from time to time.

RECREATION VEHICLE. A self-propelled vehicle which is used primarily for recreational purposes.

REGULATORY FLOOD PROTECTION ELEVATION. A point not less than one foot above the elevation of the flood plain, plus any increases in flood heights attributable to encroachment on the flood plain. It is the elevation to which uses regulated by this chapter are required to be elevated or flood-proofed.

RENTAL CABINS. A group of cabins on a single parcel in which temporary or seasonal recreational lodging is provided for compensation.

RESIDENTIAL FACILITY. Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. **RESIDENTIAL FACILITIES** include, but are not limited to: state institutions under the control of the commissioner of public welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, or schools for physically challenged children.

ROOF LINE. The top of the coping or, when the building has a pitched roof, as the intersection of the outside wall with the roof.

SCREENING. The presence of an artificial barrier, vegetation, or topography which makes any structure on any property visually inconspicuous.

SEMI-PUBLIC USE. The use of land by a private organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization, including but not limited to: schools and churches.

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.

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

SEWAGE TREATMENT SYSTEM. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in this chapter.

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.

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 50% of the structure setback.

SHORELAND. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

SIGN. The use of displaying any words, numerals, figures, devices or trademarks by which anything is made known and is visible to the general public.

SIGN, DAY. A moveable sign for announcing something at the site of a business use. These would typically include signs announcing name, hours of operation, meal specials, merchandise sales and service specials.

SIGN, DIRECTIONAL. For directing the public and displaying no more than the direction (arrow or other method), the distance, the facility (name and/or logo).

SIGN, IDENTIFICATION. For identifying a use at the site where it is located. This includes signs for multi-family, business, institutions, recreation and home occupation uses.

SIGN, RESIDENTIAL. For displaying house number and name of occupants.

SIGN, TEMPORARY. For events, real estate advertising, construction projects and elections.

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 M.S. § 307.08, as it may be amended from time to time. An 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**.

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 chapter. Where specific information is not available, steep slopes are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.

STORAGE SHED. Any accessory building that is not over 200 square feet in floor area.

STRUCTURAL ALTERATIONS. Any change in the outside dimensions of a structure relative to height or ground dimensions.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, including signs, fences, storage sheds, antennas, and other construction with special function, but not including at-grade walks, driveways, and patios.

SUBDIVISION. Land that is divided for the purpose of sale, rent, or lease, including planned unit development.

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.

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. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.

TOP OF THE BLUFF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.

UPLAND. All lands at an elevation above the normal high water mark.

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

USE. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this chapter.

VARIANCE. Relief from the dimensional or bulk regulations of this chapter where its strict enforcement would cause undo hardship.

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

WATERCOURSE. A channel or depression through which water flows, such as rivers, streams or creeks, and may flow year 'round or intermittently.

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

WATER-ORIENTED ACCESSORY STRUCTURE or FACILITY. Means 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, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.

WETLAND. A surface water feature classified as wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

YARD. The open space between the dwelling and the lot lines.

YARD, FRONT. A yard lying between the street line(s) of the lot and the nearest line of the building.

YARD, REAR. The yard on the opposite side of the lot from the street that the buildings are facing.

YARD, SIDE. The yards that are not front or rear yards.
(Ord. passed 6-3-1997)